

AN
Historical Essay
UPON THE
POWER
OF THE
PRINCE,

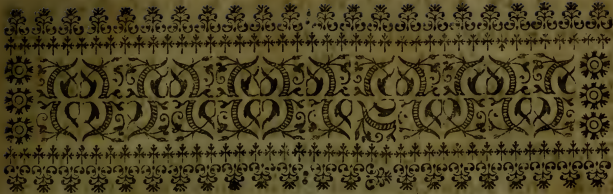
in suspending, proroguing and dissolving
COUNCILS, SYNODS and
CONVOCA TIONS.

wherein is shewn from numerous Instances,
how dangerous the Abuse of that Power
has been to the Christian Religion.

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LONDON; Printed for J. Morphew near
Stationers-Hall, 1717.

(Price one Shilling.)



INTRODUCTION.

BEfore I proceed in this Design, I think it necessary to acquaint the Reader, that he will here find melancholy Truths worthy of his Perusal, and most serious Consideration; he will perhaps be convinc'd when he has read this Treatise that the Encroachments of the Regale have done more mischief to Religion, than all the Heresies which appear'd before *Constantine's* Days: Hereticks were foreign Enemies against whom she declar'd open War, and was upon her continual Guard. But the Regale eat into her very Bowels, it was an in-bred Distemper which fed upon her Vitals and destroy'd her very being: Against a *Decius* or a *Dioclesian* she might be prepar'd, and cou'd unconcern'd conquer the most terrible force they cou'd bring against her. But an Apostate did more mischief than all the rest, *Julian's* unbloody Persecution destroy'd more Souls than the Sword of the most inveterate Heathen Emperors before *Constantine's* Reign. I have seen a Tree wheather the most tempestuous Storms, the Sap has retreated to its inward Cells, to avoid the Rigour of the nipping Frost, and the cruel **Northern Blasts**: Thus for a time its Vigour has been retarded, but at the Return of Spring, the genial Warmth of the Sun has encourag'd the tender Buds to spring forth, and the Plant has flourish'd again with more Glory than ever. But what the Malice of

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of an Enemy could not, the Kindness of a Friend has perform'd, the unskillful Gardener has fix'd his knife to the Root, cut off the Source from whence Supplies proceeded to the external Parts, and the Trees has wither'd and died away. I may venture to make this Application to Christianity, and shall support the same by Instances of matters of Fact, such as will convince the Reader, that Princes have often prov'd unskillful Gardeners to the Church. They have either planted poisonous Weeds therein, or have cut down its most flourishing Cedars, or have flung down its securest Fences, and laid open its Pale.

I propose therefore to give the Readers Precedents,

I. That the Church has done much better without the Concurrence of the Magistrate.

II. What harm the civil Magistrate has often done the Church by his pretended Patronage, in influencing Councils and Synods.



THE



THE First Grand Heresy which infested the Christian Church after *Constantine's* full Possession of the Empire, was the *Arian*. But if we consider its Rise and its Progress, we shall find that when the Church was left to her self, she went the most effectual way to suppress it. But when the Emperor interposed, all went to wreck again, and by his means alone it arriv'd to such an heighth, as to over-run the Eastern Parts of the World.

(a) When *Arius* first began to spread his Heresy, *Alexander* his Bishop took the most direct way and depriv'd him; if the same Canonical Method had been closely pursu'd, where-ever his Heresy spread, both against the Bishops and Presbyters who adher'd to his Impiety, before the Infection was gone too far. The World would have been much more easy than it was, but when *Constantine* appear'd, he added Reputation thereto, he made *Arius* who otherwise would have sunk under Contempt, considerable; he rais'd the Spirits of the Arch Heretick, and made him believe himself somebody, and aspire to be the Head of the new Religion, he was not us'd as one who had broach'd a gross Impiety, for which his very Tongue ought to have been bor'd thro'. But he was us'd in such a manner, as tho'.

it had not been determin'd, whether he was an Heretick or not ; yet this was a Case, in which no less than the Divinity of our Saviour was concern'd, and one would think that Christians ought not but to be jealous for the Honour of their God : Yet did *Constantine* write a Letter (*b*) to *Alexander* and to *Arius* jointly, *i. e.* to the Bishop and his depriv'd blasphemous Presbyter, as tho' they had been Colleagues, makes the whole Dispute to turn upon a trifling Question, as he calls it, which shews either had very debauch'd Notions of Christianity, or a very indifferent Judgment. However he amicably advises, that they should agree the matter, and compound away the Divinity of our blessed Saviour. This might have perhaps diffus'd a present Tranquility over the Church : But it wou'd have been bought at a dear rate, and such Consequences wou'd have follow'd as have happen'd upon a like occasion in our times.

The terrible Shock *Dr. Clark* and *Mr. Whiston* gave to our Religion some time since was avoided, instead of being encounter'd with. The first patch'd up the Prosecution with a sham Recantation, which he laugh'd at when he had done, and enjoys still a most considerable Preferment in the publick Churches.

But what follows from hence, he has been seconded by some considerable Divines since *Dr. Hare*, tho' the least considerable of any of the rest, has openly proclaim'd his Notions to the World, and I am much afraid, that the *Arian* Heresy has taken such a deep Root, that it will be hard to be driven out ; 'tis true no publick Noise or Separation has been made. But Numbers officiate at Divine Ser-

(b) Socrates l. 4. ὁπὲρ τῶν ματαίων ἐντικειμένων ἡρώδης πρὸς αὐτοὺς.

vice, who invoke the Holy Ghost with their Lips, but deny him in their Hearts; and greater Numbers still of the Laity look upon the *Gloria Patri* to be an Immoral Part of Divine Worship. Does any Man think this Flame will ever lie suppress'd; when it has gather'd more Strength, it will burst forth into a more dreadful Conflagration; in the mean time, the Devil steals away Numbers of Souls unknown, who proceed with counterfeit Sanctity to the Sacred Altars.

This was all the Benefit which cou'd have accru'd to Christianity by *Constantine's* care, however his Letters were not obey'd; *Alexander* had a better Sense of Expedients, the Emperors mighty Project fell to the ground; to recover this Step, he call'd the Council of *Nice*, which alas gave still but greater Reputation to *Arius's* Cause, his Party took heart, when they saw their new Notions make such a stir, that no less than a General Council cou'd determine whether he was in the wrong, and they were admitted to dispute with the Orthodox about Points, which one wou'd think had been sufficiently determin'd before by the Holy Scriptures, and the concurrent Testimony of the Church.

If the Emperor had been quiet, and left the Church to pursue her own Methods, all had been well. But when the Hereticks found that the Emperor might possibly be gain'd over, they were obstinately bent, and seem'd willing if their Cause was lost in the Council, to have it reviv'd by the strength of the secular Arm.

'Tis true, Historians do agree the Council was call'd by *Constantine's* Letters; yet it does not appear, that he either prorogu'd or dissolv'd them.

(c) *Socrates* says, “ the Bishops in that Synod when they had finish’d their Business and digested their Canons into Order, every Man departed to his own home.

(d) But to proceed. The Emperor by the perswasions of a Woman and of an *Arian* Priest, writes with his own hand a Letter to *Arius*, and invites him with the ardency and affection of a Brother, to come to him, an Act of mighty Condescension and worthy of a Catholick Supream Majestrate ; (and as Moderns will have him,) Head of the Church. *Arius* subscrib’d to a Recantation not much unlike Doctor *Clark*s. The Emperor, who understood as much Divinity as such Heads of the Church generally do, accepted the pretended Satisfaction *Arius* had made, and sent him to *Alexandria*, where he met from the Great *Athanasius* such a Reception as he deserv’d. That great and good Man was ignorant of the Extent of the Emperors Regale, he imagin’d the civil Majestrate cou’d have no Power to impose a known Heretick upon the Communion of the Catholick Church, in this acted as a Man of Conscience, and one who understood the Sacred Depositum in his hands, and I think he ought to be a pattern for this indolent age, I deliver it therefore as my humble Opinion, that the present Bishops of the publick Churches can do no less than excommunicate profest Hereticks, whether Presbyters or Bishops.

(e) But *Athanasius* regardless of the frowns of the civil Majestrate, where his Honour, his Conscience, or his Duty were concern’d, cast to the Winds the

(c) Τότε ὅ οἱ ἐν τῇ Συνόδῳ ἐπίσκοποι καὶ ἄλλα πνεῦμα ἐργασίας, κατόντας ὀνομαζέειν εἰσέδωσαν, αὐτὸς καὶ πόλιν ἧς αὐτοῦ ἐχώρησε. Soc. Hist. Eccl. i. c. 9.

(d) *Socrates* c. 19.

(e) *Socrates* lib. c. 20.

earnest Solicitations of the Emperor to restore *Arius* to Communion, the one was wrote in such a mandatory Stile, as I believe wou'd have shak'd *Lambeth* had it been at *Alexandria*.

(f) "As you cannot pretend Ignorance of my Pleasure, immediately open wide the Gates of the Church, that all may enter who have a mind thereto ; for if I understand that any such Person is refus'd, I will send a sufficient Power to remove you from your Preferment.

However, *Athanasius* disobey'd the unrighteous Command, and the Emperor was not so far lost to common Modesty, as to pretend to deprive him.

But it was surely the most extravagant Demand that ever was known, to require a Christian Bishop to open his Church Doors, and let indiscriminately every Sect and Heresy therein.

But still *Athanasius* was the object of the Emperors Spleen, and after being variously harra's'd by the Impertinence of his Enemies, his Cesarean Majesty took care, that the Synod of *Tyre* shou'd take his Case into their Cognizance, in Relation to a pretended Riot at *Marestis*, but not one Word was alleg'd against him of his Disobedience to the Emperors mandatory Letter.

(g) This Council was pack'd for the purpose, and unanimously receiv'd the Heretick *Arius* to Communion, after having remov'd *Athanasius* by a Synodical Deprivation.

(f) Ἐχων τοιούτω τῇ ἐμῇ βουλῇ τὸ γνώρισμα πᾶσι τοῖς βελομήτοις εἰς τὴν ἐκκλησίαν ἐισελθεῖν ἀκώλυτον παρέσχε τὴν εἰσοδὸν· ἐὰν γὰρ γνῶ ὡς κακώλυται πᾶς αὐτῷ τῇ ἐκκλησίᾳ μεταποιούμενος ἢ ἀπείρξας τῇ εἰσοδῷ ἀποσελῶ ὡς ἀρχήμα τὸν κατὰ τὴν ἐκκλησίαν σὺν τῇ ἐμῇ κλήσει καὶ τῷ τόπον μεταστήσονται.
See E ccl. Hist. lib. 1. c. 20.

(g) See. l. 1. c. 12.

Thus

Thus by the Emperors interfering in the Councils and Affairs of the Church, *Arianism* took such a deep root, and caus'd such miserable Confusions, as no Age but our own can parallel.

Constantius the Successor of *Constantine* govern'd his Eunuchs and his Women, and advanc'd the Regale one Step higher than *Constantine*. By viewing some remarkable Incidents in his Reign, we shall arrive to a Notion of the fatal Consequences, which flow'd from the Emperors Power and Influence over the Church.

(b) *Paulus* a Man who had join'd with his youth the Prudence and Experience of old Age, was canonically chosen Bishop of *Constantinople*. But his Crime was, that he lov'd the true Catholick Faith, and wou'd not part with his God.

For this *Constantius* summon'd a Synod of *Arians*, who depos'd *Paulus*, and plac'd *Eusebius* of *Nicomedia* in his Room, a Man who had been the most vigorous Stickler for *Arianism* of any Bishop in the East. Thus was the Church in a fine Condition, when Bishops were impos'd upon her, who disbeliev'd the Essentials of *Religion*, and had not the same God with their Flock.

(i) After this a Synod was call'd at *Antioch* in *Syria*, in which the Emperor was present, in this Synod the Great *Athanasius's* See was fill'd by an *Arian* *Gregorius* by Name, a new Creed was made for the Benefit of those who wou'd not subscribe to the *Nicene*.

After this the Emperor *Constantius* had the Mortification to see his Party outvoted in the Council

(b) "Ανδρὲς νέον μὲν πρὸς ἡλικίαν παρβεβηκότα δ' ταῖς φρεσίν. Soc. lb. 2. c. 4.

(i) Soc. l. 2. c. 5.

of *Sardice*. The *Nicene* Faith re-establish'd, and *Athanasius* and *Paulus* restor'd.

(k) The Regale began at this time to droop, the Western Bishops bravely asserted the Rights of the Church, and *Constantius* when he cou'd not help it, was forc'd to recal the Great Patron of Christianity from Banishment. The subtle smooth Letters the Emperor vouchsafed to that Holy Father, are an instance, that the Church can never be ruin'd but when the Clergy want Courage.

(l) " I can no longer bear to see you toss'd by
" the rough waves of tempestuous Seas; my Cle-
" mency will not suffer a Man of your Piety to
" continue banish'd from your native home, spoil'd
" of the goods of Fortune, and wandring thro' bar-
" ren Deserts and devious Paths.

Yet was all this wrote to a Man he hated in his Heart, for his Virtue, Firmness and Integrity; and whose Life he wou'd have given half his Empire to have taken away.

Now the Affairs of the Church began to put on a new Face. (m) *Athanasius* in his journey to *Alexandria* pass'd thro' *Jerusalem*, *Maximus* who had before subscrib'd to his Deprivation, repented, call'd a Synod, and receiv'd *Athanasius* into Communion. This Synod I observe met without *Constantius's* writ.

Upon this, *Ursacius* and *Valens* the most bitter Enemies of *Athanasius*, and the most vigorous Supporters of *Arius* repair to recant their Errors, sub-

(k) Soc. lib. 2. c. 18.

(l) "Επὶ πόλυ σε κλυδονίζεσθαι καὶ χειμάζεσθαι τοῖς τῆ θαλάσσης ὁμοίως κύμασιν ἀγείοις ἐκ ἀφῆκεν ἢ τῇ ἡμετέρας ἡμετέρη φιλανθρωπία γυμνοδύντα σε τῇ πατρῷας ὁσίας, καὶ σεροδύντα ἡμῶν ἰδίων, καὶ πλάνωμένον ἐν θηριώδεσιν ἐνοδίοις καὶ παροδύν ἢ ἀγμάληθ' ἡμῶν εὐσεβεία. Soc. lib. 2. c. 18.

(m) Soc. l. 2. c. 19.

scrib'd to the *Nicene Creed*, and write to *Athanasius*, in which they promise to communicate for the future with him.

But upon the Death of *Constans* the Emperor of the West, whose Influence kept *Constantius* within bounds, *Athanasius* was left unsheltered to the Rage of an incens'd Emperor ; his Enemies began to stir, and repeated Alarms would have put a Man of less Courage into a great Consternation.

(n) But in the midst of these Storms he call'd a Synod at *Alexandria*, in which the Canons of *Sardice* and the Determinations of the Council of *Jerusalem* were confirm'd. However, he was forc'd to run away as soon as he had done, to avoid the known Clemency of *Constantius*, who would have been glad to see him hang'd, a Fate his Fellow Sufferer *Paulus* cou'd not avoid.

(o) After this *Constantius* call'd a Council at *Sirmium*, which brought no more credit to Christianity than the former ; and in short took care to be as inconsistent in their Creeds and Conduct, as the Moderns are at this Day. They were for the most Part *Arians* in their Hearts, and they were sensible the World thought them so. But as they had a Cause to carry on contrary to their open Profession, they made *Photinus* a *Sabellian* Heretick their Property, he was formally produc'd before the Council. accus'd of *Sabellianism*, tho' they were equally impious as himself, only to make the World believe they had some Religion, which alas was very hard to do in that Age, which knew them too well.

(n) Soc. lib. 2. c. 29.

(o) Soc. lib. 2. c. 25.

These Men with Impudence enough could declare against *Arianism* with the utmost Abhorrence imaginable, but still they must make a Creed, which was in short no better than finding fault with the old one; and yet this new Creed had the Clause of one Substance contain'd therein.

When this Point was gain'd, they carried it for another Creed, in which they entirely dropp'd the Word *Substantia*, which was a great Step to their farther views.

This was the good they did as to Religion, and they concluded all with a pious Act of breaking the Bones of an aged Bishop and (p) Confessor, *Osius* of *Corduba*, and making him renounce his Faith, and turn Apostate in his old Age.

(q) But to make farther havock, *Constantius* call'd a Council at *Milan* on purpose, more effectually to blast *Athanasius*. But here the Regale met a Repulse, the Bishop was acquitted, and his Enemies confounded with Shame.

The Emperor determin'd to push the Regale to the highest Extremity, and to banish all the Non-complyers. But more cool and prudential Councils took place, he divides the Western Bishops from the Eastern, order'd the first to meet at *Ariminum*, and the latter at *Nicomedia*: But when the Game Cocks were parted, they still fell out amongst themselves. At *Ariminum* there was a Division, one Part adher'd to *Constantius*, and voted in favour of his Heresy, while the other condemn'd it flatly; and

(p) Πληγὰς τε καὶ σρεβλώσεως τῷ πρεσβύτῃ πρεσβύτῳ. Soc. lib. 2. c. 26.

(q) Soc. lib. 2. c. 29.

Athanasius in his Epistle concerning (r) this Council saith, that the *Arians* made their Emperor their Rule of Faith, and practiced an unusual thing, to date the Confession of their Faith in the time of such a Consulate.

However, the Majority of the Council acted like Men of Honour and Conscience, and without any Regard to a Mandate from *Constantius*, to proceed on that Affair, they depos'd *Valens*, *Ursacius*, *Auxentius*, *Germanius*, *Caius* and *Demophilus*, because they were obstinate *Arians*.

The Emperor began to stomach this dealing, but defer'd to shew his Malice till the Council dispers'd, and then his Regale play'd like the Stick amongst the Frogs, swept up whole Bishopricks at once, and fill'd the World with banish'd Confessors and unfortunate honest Men; in this scuffle *Liberius* Bishop of *Rome* was banished. But the Imporunities of his Flock who adher'd to him in the midst of the Oppressures he lay under, caus'd him to be restor'd.

But to return to the other Council, which was to assemble at *Nicomedia*, the Incommodiousness of the Place caus'd them to meet at *Selucia*; in this Council the Imperial Lieutenant *Leonas* was present, here the *Arians* after various struggles finding themselves outvoted, procur'd *Leonas* by Virtue of the Regale to dissolve the Council, which gave a very fair excuse to the *Arians* to return home. But the Catholick Bishops had another Notion of the Imperial Dissolution. They sate in spite of the Lieutenant,

(r) Γεγάνητες γὰρ ὡς ἔδειλον αὐτοὶ πτελεῖν προέταξαν τὴν ὑπατίαν, καὶ τὴν ἀρχὴν καὶ τὴν ἡμέραν τῶ παντὸς χρόνου ἵνα δεῖξουσιν πᾶσι τοῖς φρονήμοις ὅτι μετὰ πρῶτον, ἀλλὰ νῦν ὅτι Κοινῶς ἄρχων ἔχει τύπον ἢ πίστις. Soc. lib. 2. c. 29.

(s) Soc. lib. 2. c. 31. c. 32.

ended their business, depriv'd several *Arians*, and return'd home. The Emperor gnash'd with his Teeth, but could not help himself.

I appeal to the Reader, whether the Regale did not lay waste Christianity in *Constantius's* Reign, whether any period of time was crouded with so many Ecclesiastical Quarrels and Incidents of an uncommon Nature. But I cannot help commending the Constancy of the Council of *Seleuca*, who wou'd not be broke by the Regale, wou'd not disperse upon the imperial Mandate, but carried all their points like true Christian Heroes as they were, may their Names be wrote in deep Characters in the in the Hearts of all good Men, who have any esteem for Courage and Honour.

Upon *Constantius's* Death, the Christians fell under the Discipline of an incens'd Apostate *Julian*; who cunningly knew the Methods of exterminating Christianity if it had been possible, not by Halters and Axes, but by working upon the Passions of Men by Flattery, secret Severities, Court Preferments and the like; which made a greater Corruption amongst the Clergy than ever was known before. But if he had thought upon the Regale he had more effectually done his Business. However, he did not concern himself with Affairs of that Nature; the Church in comparision with *Constantius's* Reign injoy'd a calm. *Athanasius* summon'd a Council at *Alexandria*, in which the *Nicene* Faith was confirmed. But, *Athanasius* was not prosecuted by *Julian* in a *Præmunire* upon that account.

I shall conclude this Reign with some observations upon *Julians* Conduct to the Christians.

He took particular care to build Churches for Schismatics, particularly he commanded that a *Novatian* Church at *Cyzicum* which *Elesius* the Bishop had levell'd

levell'd with the Ground, under a severe Penalty shou'd be rebuilt at their own Charge again.

(*t*) She took away from the Clergy all the Privileges and Honours *Constantius* had bestowed upon them, and abrogated the Laws made in their favour.

(*u*) He shew'd some Lenity to those Bishops *Constantius* had banish'd, not out of any real Affection or Pity, but only to slur *Constantius's* Memory, and make him appear vindictive and oppressive.

He receiv'd into his Court *Aetius* tho' banish'd by *Constantius* for Treasonable Practices.

He encourag'd Non-residence and kept the Clergy from their Flocks, that in time they might forget Religion. (*x*) He endeavour'd as much as lay in his Power, to excite Divisions amongst the Clergy.

He punish'd no Wickedness in any of his own Party, but lay the whole burthen upon the Christians, and if his Friends had some slight Reprimand they had secret Intimations to proceed.

(*y*) He thought he cou'd never tye Men sufficiently his interests, unless he made them sacrifice, renounce their Religion, and list in the Devils Service. Those who cou'd not, he dismiss'd from his Army, and from his Councils.

(*z*) When he could lay no Crime to the Christians charge, he wou'd make their not sacrificing a pretence to exclude them from the Privileges of Subjects,

(*t*) Soc. lib. 3. c. 9. Sozom. l. 5. c. 5. & c. 14.

(*u*) καὶ τὰς ὑπὲρ αὐτῶν κειμένους νόμους ἀνέϊπεν. Sozomen lib. 5. & c. 5.

(*x*) Sozomen l. 5. c. 14.

(*y*) Sozomen l. 5. 16.

(*z*) Λαβόμενος ὁ παρὲς, καὶ μηδὲν ἐγκαλεῖν ἔχων, ὡς αὐτὸς μὲν δύνει πολιτείας ἐφθίνει καὶ συλλόγων καὶ ἀρχῶν μετέχων, καὶ τὰ διδάσκειν ἢ ἀρχειν ἢ ἀξιωματῶν κοῖνον οὐ μεταδίδω. Sozomen lib. 5. c. 17.

and the benefit of Courts of Judicature, and the bearing any office of Honour in the Empire.

(a) He having done something to disoblige the People of *Antioch*; they derided his long Beard, and rais'd some Speculations upon the Figure of a Bull upon his Coin: They said he govern'd like a mad Bull, who overturn'd all before him with his Horns. However, he put up the Jest, and thought a ridiculous affront deserved no other Punishment than a ridiculous Answer; and he put out a Book call'd *Misopogan* by way of ridicule on his own Beard: (b) To the latter end of his Reign he began to exercise more open Severities, cast the Christians into Prison.

(c) He shew'd a greater Affection for Jews and Infidels than for Christians.

The Reader may by this short sketch perceive *Julian's* Scope, what he drove at, and how for his aims extended. However, he fell short in his Politicks, and wanted to be instructed by our *English* Monarch *Henry VIII.* who had a reach much beyond any before him.

(d) *Sozomen* observes, that during *Julian's* Reign the *Arian* Controversy slept. The Christians heartily and sincerely united against the common Enemy, but he was no sooner dead than they all fell together by the ears again.

A Council of *Antioch* began to assert in loud terms the *Nicene* Faith, they met without consulting the Emperor, and sent him an account of their Deter-

(a) Ἀντιοχείς ᾧ δεινὸν ἔατο πορεύμεθ' ἡ βασιλέα ὑβρίζον καὶ εἰς τὴν πύργον αὐτῆς ὡς βαδύς εἴη ἐπέσκαπτον καὶ εἰς τὸ νόμισμα, ὃ π ταύρος εἶχεν εἰκόνα τὴν τοῦ κόσμου ὁμοίωσιν ἥν' ὑπὲρ τῶν ταύρων ὡς αὐτῷ ἡγεμόνι ἀνατεράσθαι ἐπιπύδαζον. *Sozom. lib. 5. c. 18.*

(b) *Sozomen lib. 5. c. 19.*

(c) *Sozomen lib. 5. c. 21.*

(d) *Sozomen lib. 6. c. 4.*

minations, together with some Reflections upon the *Eunomians* and *Arians* who began to stir. But the short Reign of *Jovian* gave no opportunity for any great Disturbance at that time. (e) *Valentinian* and *Valens* parted the Empire between them, at the beginning of whose Reigns, as *Valentinian* was passing thro' *Thrace* in his Journey to *Rome*, the poor spirited Bishops of that Neighbourhood address'd him in a very humble suppliant manner, by their Envoy *Hypatian* Bishop of *Heraclæa*, that they might have Liberty to meet in Council to settle their Articles of Faith. The Emperor (f) return'd a very discreet Answer, that as he was a Lay-man he had no concern in their Affairs. But it was incumbent upon their Bishops to take care of that matter.

Upon this they summon'd a Council at *Lampsacum*, in which they receiv'd the recanting *Eudoxians* to Communion, and exhibited a Form of Faith correspondent to the *Nicene* to the Emperor *Valens*.

The Emperor made use of the Regale, in order to induce those Reverend Fathers to change their Principles, and conform to *Eudoxius's* Sentiments and upon their absolute Refusal, he took the modern Method of exterminating the best Part of them from their Bishopricks, and placing *Arians* in their Rooms. The rest he beat, imprison'd and fin'd at his Pleasure; such were the blessed effects of the Regale in those Days.

(g) However the Catholick Bishops did not want Spirit at certain Intervals to resist the overwhelming

(e) Sozomen lib. 6. c. 7.

(f) Ἐπεὶ καὶ ἐφ' ἧς λαὸν τεταγμένον ἔδειξε ποταῦτα πολυ-
 πλοῦν, οἱ δ' ἱερεῖς οἷς τέτα μέλλει κατ' ἑαυτὸς ὅτι βύ-
 λος. (g) Soz. l. 6. c. 7.

(g) Sozomen lib. 6. c. 12.

Torrent. A certain Number without a Commission from the Civil Magistrate met at *Tyana*, and in Concert with the Bishops of the West, agreed to adjourn to *Tarsus*: But the Emperor prevented that Congress with the secular Arm; Imprison'd, Banish'd and Dispers'd all he thought would be troublesome to him and a bar to his Designs, he moreover expell'd those Bishops who had been depriv'd by *Constantius*, and restor'd by his Successour. The Church was then in a most bitter State of Persecution; Preferments and Sunshine had drawn over to Heresy Numbers of the well-dress'd and insignificant Clergy, and the true Catholick Church consisted only of *Veterans* inur'd to Hardships and Fatigue.

I must needs confess, I do not think a Church is less glorious under a State of Persecution: But however, it proves fatal to Multitudes of unhappy Men, who fall under the Direction of wicked Pastors, who have no other Eye to the Flock, than to deprive them of their Money and their Conscience at once.

(*b*) This Persecution under *Valens* rag'd to such a Degree, that 80 Reverend Divines, because they presented a Form of their Faith to the Emperor, were put into a Vessel, thrust into the Sea, and Fire was set to the Ship. The Consequence of this Imperial Clemency was, that the poor Wretches had their choice of going out of the World two ways.

By this time, the Reader may have a clear and distinct View of the Mischiefs flowing from the Regale, when in the Hand even of a lawful Prince dispos'd to ruin the Church.

But what shall we say, in case of an Usurpation, when in all probability the Usurper is a Man of abandon'd Principles, encourag'd by Faction or Enthusiasm

to a desperate Undertaking, which Providence is pleas'd sometimes to Crown with Success: Suppose he shou'd be an *Oliver* or a *Phocas*, in what Circumstances is the Church involv'd, hamper'd even by her own Constitution and her own Laws, and infallibly ruin'd. States and Kingdoms are not settled upon an everlasting Foundation: They are expos'd to Foreign Conquests, Domestick Rebellions, and the ill Conduct of a capricious lawful Monarch. But the Church of Christ is to endure to the end of the World: And we may suppose our blessed Saviour has left his Church subsisting Principles, to enable it to stand the Attacks of Time and the Accidents of Fate, to which mortal Establishments are ever subject. Christ has observ'd, a Man does not build his House upon the Sand, which he designs should endure the Storms and tempestuous Winds.

But to return. The Church was restor'd to her Triumphant State by the Death of *Valens*. *Gratian* his Successour granted some Respite to her.

(i) *Theodosius* summon'd the second general Council of *Constantinople*, in which he made it his care to advance the City of his Residence to a Patriarchal See, next to that of *Rome*, and confirm'd the same by civil Sanctions.

I observe from hence, that the Emperor had been better employ'd in secular Affairs, than in promoting and encouraging a Council to betray their own Rights, and give into a monstrous Usurpation upon the Privileges of those who were to come after them. I may venture to say, the Encroachments of the Pope of *Rome* have been as much owing to this Conduct, as to any one Step that ever was taken.

(i) Socr. lib. 5. 8. Soz. lib. 7. c. 9. Du. Penne. de Antiq. Eccles. Disciplin. lib. 1. Sec. 11.

For if the Pope had stood alone Patriarch of his few Suburbicarian Provinces, which was all that he enjoy'd in the Infancy of his Honours, he would not have had the least pretence to usurp upon the West. But as *Constantinople* was immediately plac'd under the Emperor's Eye, and had the large Jurisdiction of *Asia*, *Pontus* and *Thrace* conferr'd upon her, and still was second to *Rome*; the Pope had some Colour to lay Claim to the West; that his Power should be so extensive, seem'd natural enough, as *Rome* was Mistress of the Western, as well as *Constantinople* of the Eastern Empire of the World.

This was all the good *Theodosius* did in the Council of *Constantinople*, in laying down the Foundation for Popery. I must sincerely confess, that in all my Researches into History, I could never find that Providence ever gave a favourable Issue to attempts of that Nature. The Regale was ever blasted by the Judgment of Almighty God, when profane Lay-hands were concern'd in Ecclesiastical Affairs.

(k) To proceed, the *Eutichians* in the Reign of *Theodosius* began to make a noise; the Court seem'd to favour them, a Council was call'd at *Ephesus*. But the Regale put a Padlock upon the Mouths of *Eutiches* Enemies, under which publick Discouragements the Hereticks carried their Point, depriv'd the Orthodox Bishops, and reviv'd new Troubles in the Church: *Chrysaphius* the Emperors Lieutenant was at the bottom of all these Confusions, the secular Arm almost ever being sure of pushing the Church to her Ruin.

(k) Θεοδοσίῳ δεσποτίνῃ τοῦ πρὸς Ἐλπίδιον ἐπὶ ῥήματι τοῦ πατρὸς ἡμῶν διχασάντων εὐτεχέϊ τῷ εὐλαβεστάτῳ Ἀρχιμανδρίτῃ πατρῶν μὴ καὶ ἡσυχάζοντων, τίξου ὃ διχαστῶν, μὴ ἀπεχόντων ἀλλὰ τῷ κοινῷ πάντων ἡμῶν ἀγαπῶντων πατέρων σεμνύνοντων ψῆφον ἐπέστη τὰ παρ' αὐτοῦ κεκαρμένα δοκιμάζει. Evagr. lib. i. c. 10.

I might proceed in this Discourse to shew even down to our present times, what dreadful Confusion the Regale has made. But this is sufficient to prove what Miseries have flow'd from the immoderate use thereof in the first Ages of Christianity.

Herefy, Schism, Divisions, Murther in the Streets and publick Tumults, were the blessed effects of the Regale.

Perhaps it may be asked, why the Primitive Christians gave in so unanimously to the Emperors summoning general Councils, to which I shall give as clear and direct an Answer as I can.

The Primitive Christians were sensible, that Ecclesiastical canons and Laws were but of small force as to external effects without the secular Arm, as the Church was discharg'd from Persecution, her Members in a manner look'd upon themselves to be discharg'd from her Obedience; from that time she was insulted by her own Sons; The Court and the Favours of the Prince had exterminated the Notions of Ecclesiastical Discipline.

The meeting in Councils cou'd not well be brought to bear without the Emperors Licence and Favour, by reason of the Charge and Difficulties of Travel, whereas the Emperor generally favour'd the Bishops with Orders to his Lieutenants to see the Fathers safely convey'd at his proper cost and charge, to the Place where the Council was appointed to meet.

Moreover, tho' the Church had Authority from above to govern by Synods; yet as Christian Society is so contriv'd, that it shall not interfere with the State.

The meeting together in Numbers has some Relation to the civil Magistracy. The Primitive Christians generally paid the compliment to them as to ask their consent for that purpose. Tho' they had as much Right to meet in a Synod to consult about
the

the Affairs of the Church, as to meet in Congregations to say their Prayers, and perform the other Divine Offices of Religion.

If this Liberty lies at the mercy of the civil Magistrate, Christianity is but very precarious; she is expos'd to be destroy'd by any Prince, who is either careless of her Safety or industrious to promote her Ruin.

I cou'd easily prove, that Popery grew up with the Regale, overtop'd it, and play'd all the extravagant wild Pranks, which the other wou'd have done, if the Power had not been taken away.

A Dispute began to arise in the World concerning the Title of universal Bishop: The Patriarch of *Constantinople* puffed up with the Favour of the Prince, wou'd be content with no less, and the jealous Bishop of *Rome* was a continual bar in his way.

But when *Phocas* had murder'd his Master *Mauricius* and usurp'd the Empire, he favour'd the Pretensions of the Bishops of *Rome* to that Title. *Boniface* was his Creature, *Cyriacus* Bishop of *Constantinople* had a Tenderness and Resentment for the sufferings of *Mauricius*, and was consequently the peculiar object of *Phocas*'s hatred and spleen, to subdue his Integrity the Tyrant bestow'd the Title of universal Bishop upon the Pope.

Thus this Great Title which has made so much noise since in the World, is deriv'd from the pretended Regale of a Paracide, Tyrant and Usurper.

I may safely assert, this was the Fountain from whence the Streams of Error have proceeded, and poyson'd the World.

(k) *Spanheim* observes, that about this time, the Churches of *Spain* complimented their Kings, with

that Power which was claim'd in other places by the Pope.

In short, if we proceed to a candid Examination, we shall find that what we call the Pontificate is no more than the Regale, 'tis an extravagant Power bestowed by the State upon the Pope; and as it is deriv'd purely from the civil Power, it retains it's Nature still, and ought to be look'd upon no otherwise than as an Inroad of the State upon the Privileges and Liberties of the Church.

This extravagant Power has ever given the most bitter blows to Religion, it has levell'd all that is sacred, and brought a most dreadful *Catastrophe* upon the World.

As the Age grew more corrupt, the more violently it rag'd, Ignorance nurs'd it up and brought it to Perfection.

The Emperor began with pretending to confirm the decrees of the Councils in their Edicts, and the Church being willing to have her Canons corroborated by the Secular Power acquiesc'd in a bold step which afterwards prov'd fatal to her.

(*l*) Thus *Constantine Pogonatus* in the third Council of *Constantinople* put out his Edict, to confirm the Acts of that Council, not that they wanted to bind the Conscience before such a Confirmation, but civil Penalties are some times not unnecessary to reduce the Stubborn and Disobedient; accordingly at the end of the said Edict he specifies the several sorts of Punishment they shou'd undergo.

(*m*) About this time, *Recaredus* by his Edict con-

(*l*) Idcirco & nos quæ ab eis definita sunt, corroborare atque confirmare cupientes.

(*m*) Si Episcopus Presbyter & Diaconus aut Clericus fuerit ab omni concilio excommunicationi subiaceat, si vero Laicus fuerit, & honestioris loci Persona est; Medietatem facultatum suarum amittat. *Reca. Ep. ap. Labb. Con. Coll. Tom. p. 5. 1018.*

firm'd

firm'd the Decrees of the Council of *Toledo*. But we must observe he leaves out Ecclesiastical Censures, but upon the Laity he imposes Mulcts, Confiscations and Fines.

A Custom also began in this Age, for the Emperor to set his Name in the List of Subscribers before all the Bishops; a Freedom which pleas'd *Henry VIII.* so well, that he gave even his Representative *Cromwell* the same Preference.

(n) This converted Heretick *Recaredus*, had also his Name crouded into the very Ecclesiastical Canons, as particularly *Can. 8. Con. Tom. 3.* concerning the publick Liturgies. As civil Acts with us run, by the Consent of the Lords and Commons in Parliament, so this Canon runs by the Consent of King *Recaredus*, so fulsome and so extravagant were they in their Compliments to their new Converts.

Thus the Regale began to flourish; but no where in such Vigour as at *Rome*. The Pope being an Ecclesiastical Person, prevented the Absurdity of such extravagant Power being lodg'd in a Lay-man, tho' he acted in all Respects over the Church as a Lay-monarch.

Next to *Phocas*, he ow'd a great deal of this Power to *Charles* the Great; mutual Kindness enliven'd their Friendship, and produc'd a Correspondence fatal to the Repose of *Europe*; as *Charles* had all the civil, and the Pope the spiritual Power in his hands, they generally communicated to each what they wanted. The Pope had the Patrimony of *St. Peter* as it was call'd, settled upon him, and the Emperor the Power of making Ecclesiastical Laws, tho' not without his Holiness Consent. But nevertheless, the secular Power had better been otherwise employed, they only

taught the Pope what Steps to follow afterwards to enslave the World.

Oaths of Fidelity were sworn to him by Bishops in Synods with the same Formality as to a Sovereign Prince, even by those Bishops who liv'd out of his Temporal Dominions.

(o) But he laid claim to most of the Kingdoms of *Europe* as a Prince, and particularly when *Witiza* a King of *Spain* prov'd stubborn, it was plainly asserted that his Kingdoms had been deliver'd intirely as a Property to the Holy See.

By innumerable Instances it may be prov'd, that the Popes for the space of some Hundred Years claim'd a Temporal Power over Princes, and when they had any mischief to work against the Church of Christ, they acted as Temporal Princes, invested with Spiritual Power, by which means they infallibly carried their ends, and this is what we call the Regale.

If the Pope had acted upon the Scheme of the independency of the Church, a Scheme so much clamour'd against in these Days, he wou'd not have been able to have set *Europe* in Flames, his Excommunications wou'd have had a different effect, and Men wou'd have slept in quiet in this Life if they had been damn'd in the next.

He cou'd not have commanded all Christian Kings and Princes, under Pain of forfeiting the Allegiance of their Subjects to extirpate Hereticks, as is plain not only from the Council of *Lateran*, but from the Explanation thereof in Pope *Martin's* 5th Bull at the end of the Council of *Constance*.

They would not actually discharge all Princes from their Obligations to Contracts made with Hereticks, a signal Instance of which may be seen in *Ry-*

Æners Fœdera, v. 7. p. 303. and republifh'd in this Appendix.

'Tis a mistake therefore, that the Pope advanc'd the Church above the State, whereas I can prove from numerous Instances that he advanc'd himself firft into a Temporal Monarch, and by virtue of the Regale usurp'd upon the Spiritual Rights of the Church.

I conclude, that whether a Pope of *Rome* or King of *England*, *Spain* or *France*, advances a Supremacy over the Church; it is as direct Popery as that which we fo call in *Rome*, let it be in a Prince or a Parliament, a Papift, a Jew, a Lutheran, or what you please, 'tis ftill Popery and the worft Slavery a Man can undergo, becaufe it enthral's not only the Body but the Soul.

In fhort, we of this Nation have been fo unhappy, that while we have fancied our felves running from Popery, we are approaching nearer thereto. If we give the King too extenfive a Power over the Church we make him a Pope, and put it into his Power, to introduce as many Abfurdities into his Religion as the Popes have into theirs.

Without fuch Power the Church can never be undone; She is built upon a Rock above the Power of the Devil himfelf, and thofe who wou'd bring her down and fix her upon the Sands, muft expect to perifh in her Ruins. The Puff of an *Atheiftical* or an *Arian* Prince will bury all her Glories in the Duft.

But to return, I fhall give the Reader a remarkable Inftance what bleffed effects follow'd from the Regale being put into the Hands of a Woman.

Irene, Guardian to her Son *Constantine* during his Minority, in order to pave the way for an horrid Ufurpation attended with the Murther of her Son; endeavour'd to bring the Image Worfhippers over to her Party, as thinking fuch grofs underftandings the moft proper to be work'd into Rebellion. For this pur-

pose she called in the Regale, play'd it about with so much art and cunning, that she effectually carried her ends, and brought a torrent of Idolatry upon the Church of Greece, notwithstanding the noble efforts that had been made to oppose the same.

The first Step was to chuse a Patriarch, whose supple Disposition, wou'd bend to the Pope, and compliment him with what share of Power over the Church he pleased.

It was the misfortune of these times (different alas from our own) that no Man amongst the Clergy cou'd be found so abandon'd as to prostitute Religion, which put the Lady to the necessity of fixing upon a Layman, *Tarasius* by name, he was allotted to be the grand Sacrificer, and had an Heart and Hand ready to serve those Friends to whom he ow'd his Rise.

He writes a submissive Letter to the Pope, begs his Holyness to call a Council, and to Honour the same with the Presence of his Legates, who were to preside therein.

The People of *Constantinople* were unwilling to be bully'd into Idolatry by only an Empress Regent, whose business was to protect the Establishment, and not to make unwarrantable Deviations from the Constitution: They therefore were ready to sacrifice these Sacrificers, and send 'em to their homes before the time allotted by the common course of Nature.

But more careful of their own Persons than of Religion. They wou'd not trust the Justice of a Rabble, but order'd their wicked Convention to meet at *Nice*.

Here was the grand Sacrifice made, the Regale was Triumphant, the Consequence of which was Idolatry, establish'd by a pretended General Council; and those who adher'd to the second Commandment were declar'd Hereticks.

To shew also that they commanded the utmost Reverence and Adoration to Images. They tell you whatever Honour you do to Images, you perform to the Person they represent, and consequently (p) you are to pay the same Adoration to the Image of God, in the shape of an old Man, as to that Divine Being the Parent of the Universe.

I have troubled the Reader with this Instance, only to shew him what a resolute Prince may bring about, when arm'd with the extravagant Powers of the Regale.

I conclude from what has been said. That as Christ has left a Church to continue to the end of the World; he has also left it means by which it must subsist, and it also must have some Criterions, some visible Marks of Distinction, which will attend her till she compleats her Triumphant State in Heaven.

She cannot be left to the Caprices of a mortal Man, either Pope or Prince, to be subverted by Flattery, or destroy'd by Heat and Indiscretion.

As the Church is a Common-wealth below, and govern'd by Councils and Colleges of Bishops; no Monarch can pretend to have Power over her, because that is dissolving the Nature of her Government, instituted by Christ and his Apostles.

These Councils and Colleges must have free Liberty to act without Impediment from the Secular Arm, otherwise, the said Secular Arm exerts a Monarchical Power over the Church; which as observ'd before is against its Institution.

(p) Ἡ γὰρ τῆς εἰκόνος πρὸς τὸ θεοτύπον διαβαίνει καὶ ὁ θεοτύπος πρὸς τὴν εἰκόνα θεοποιεῖ ἐν αὐτῇ τὴν ἐκχρησασμένην πρὸς τὴν εἰκόνα. Cont. Nic. 2. ap. Labbee Conc. Tom. 7. p. 556.

The Church may meet in Council, without the Leave of the State, and may prorogue or dissolve the same when she pleases; because as her Government is establish'd by a Divine Command, by Virtue of that Command she may act, notwithstanding the municipal Laws of a Country declare the contrary.

SECTION II.

Having thus prov'd how detrimental Princes concerning themselves with the Church has been to her Welfare. I shall next proceed to examine her judicial Power, which is essentially necessary to maintain the Peace of that Society.

Marcion was excommunicated by his Father who was a Bishop for Adultery, he repair'd to *Rome* and demanded to be receiv'd into Communion, he was answer'd that it could not be done, because they were no more than Collegues to his Father, and must expect his Permission.

The Question is, to whom *Marcion* applied himself, it could be to no other than the College of Bishops, and in that Sense they might call themselves Collegues; because as *Marcion's* Father was in *Pontus*, they had no Power over him, and might consequently call him their Colleague.

They could not be above *Marcion's* Father, because they acknowledg'd him to be their Colleague.

They could not be inferior to him for the same Reason, it remains, that they must be equal to him, *i. e.* they must be Bishops.

From hence, we may gather that the Church govern'd by a College of Bishops: That one College could not receive a Person excommunicated by a Foreign Bishop, without Leave from the said Bishop.

From hence we may see the mutual Dependance, the Colleges had upon each other to act in perfect Union and Harmony.

To apply this Relation, if the Bishop of *London* mov'd by a pious Zeal to God and Religion should excommunicate his Presbyter *Dr. Clark*. I cannot see what Bishop in *England* or in *Ireland*, could with a safe Conscience receive him into Communion, yet I am satisfied there are some Bishops in *England*, who would not scruple to receive him to their Prayers, and the Participation of the Eucharist.

From this Instance of *Marcion*, I draw this Conclusion which I lay down as granted,

That a Person excommunicated by one Church could not be received by another.

(*q*) *Paulus Samosatenus*, in the Reign of *Aurelian* spread about the same, which is the *Socinian* Heresy at this Day; a Synod was call'd at *Antioch* which condemn'd his Heresy, and depriv'd him of his Bishoprick. However, he kept his Temporalities, till the Emperor *Aurelian* declar'd, that they should be deliver'd to whom the Christians of *Italy* and the Bishops of *Rome* by their Letters should appoint.

From hence, I observe that the Council exercis'd a judicial Power over *Samosatenus*, without any Authority from the Emperor, and without Reprehension from him when they had done.

This Judicial Authority implied the divesting the Heretick, not only of his Spiritual Jurisdiction, but also his Temporalities which were annexed thereto. For altho' he refus'd to depart from the House; the Sentence implied that he should, and upon his Non-compliance, a Petition was prefer'd to the Emperor *Aurelian*, who ejected him by his secular Power.

I would not be mistaken to assert, that the Church has a Temporal Power annex'd to her Spiritual. But the Reason that the Sentence implied a Forfeiture

of the Temporalities was, because the House was originally in the Property of the Church Regent ; who did not transfer the intire Property to the Bishop, but only the use thereof, while he remain'd Bishop of that See : The House consequently upon his Deprivation devolv'd to them again.

I conclude, that if the Convocation had in our times depriv'd the Bishop of *Bangor* of his Spiritualities, the State could not have protected him in the Enjoyment of the Revenues of the Bishoprick.

I lay down from this Instance as granted, that a Synod for Heresy, may deprive a Bishop of his Spiritualities and Temporalities, and that the Deprivation may stand good without the Leave of the supreme Power.

A Council was held at *Sinuessa* about the latter End of the third Century, in which *Marcellinus* Bishop of *Rome* was accus'd by two Deacons, two Priests, and 28 other Witnesses, for sacrificing to Idols, and was condemn'd by the Council for the said Fact.

We must observe, this was done in the midst of a fierce Persecution, in the very Teeth of *Dioclesian*, from whom they could expect no Quarter ; and accordingly the enrag'd Emperor destroy'd as many of the Bishops as he could find.

This was a most glorious Instance of Primitive Fortitude and Invincible Courage. They had no Views but of Religion and Conscience, no Preferments, no Lives to preserve where they were concern'd.

How would my Heart be exulted with the excessive Transport of Pleasure and Satisfaction : Could I see the same undaunted Resolution in an English Convocation : Could I see them lay down their Lives and Preferments at the Stake in Defence of the true Religion : Then and only then will they be restor'd to that Respect, Veneration and Esteem they have fallen from in these unhappy Times.

I lay

I lay down as another Maxim, that no Threats of the Prince, no Dangers of Death, no Terrors of the civil Power, ought to protect a Criminal from the Censures of the Church, or prevent her exercising all the Powers of a Christian Common-wealth as occasion requires.

These are the Instances in the Primitive and most pure Ages of Christianity, when Persecution had refin'd it from its Dregs and Lees, and left only the brisk spirituous Parts behind. But alas, how fatal has Prosperity ever been to the Church; how detrimental to Religion; no sooner had *Constantine* advanc'd himself to the Summit of human Glory; but the Church visibly declin'd, that is, she declin'd from Primitive Christianity from the strict and rigid Prescriptions of our Profession, and from that time Religion has been only a Trade: Her Articles of Faith have been Tools to work with, and hammer out the Designs of particular Men to serve their Ambition, Avarice and Revenge.

I shall take some pains to illustrate the Churches external Power in censuring Heresy, by Instances on both sides, and shall be as much Council for the Prince as for the Church.

(r) *Arius* had no sooner divulg'd Heretical Notions in opposition to the Son of God, than the Bishop of *Alexandria* summon'd a Council in which *Arius* was Excommunicated, a Letter was wrote to the Catholick Bishops to certifie that the Party (s) were cut off from the Catholick Church.

The general Council of *Nice*, which anathematis'd *Arius* and depriv'd *Meletius* of his pretended Ecclesiastical Jurisdiction, settled all the forms of proceed-

(r) Socrat. lib. 1. c. 3.

(s) Τὲς ποίτους ὑποδείξαντες αὐτὲς ἀλλοτεῖς τῆς κατ'οικουμένης ἐκκλησίας. ib.

ing in judicial Cases against Bishops, particularly the 5th Canon runs thus.

(t) *Whosoever whether of the Body of the Clergy or Laity, are depriv'd of Communion by the Bishops in every Province, they shall not be receiv'd by them. 'Tis moreover requir'd, that no Person shall be secluded by the private Views, Partiality or ill-nature of the Bishop to prevent which abuses, a Council shall be call'd twice in a Year thro' every Province, to discuss Questions of that Nature, and to confirm the Sentence of Excommunication pass'd on a real Offender; unless the Bishop or the Council should relent and moderate their Censures. One Council shall be call'd before Easter, to clear all Dissension before that solemn Sacrifice: The other shall be held about Autumn.*

Those who will have this Canon refer to the Clergy exclusive of Bishops, may read *Du Pinne de antiquâ Ecclesiæ Disciplinæ, Dis. 2. c. 1. 1r.* in which he has admirably well stated the judiciary Powers of the Church.

We must observe from this Canon, that no Appeal is here mention'd to the Prince or to the Pope.

Those who will have the Emperor to preside over this general Council, should consider that *Osius* was

(t) *De his qui Communionem privantur sive ex Clero sive ex Laico ordine, ab Episcopis per unamquamque Provinciam sententia regularis obtineat, ut hi qui abjiciuntur, ab aliis non recipiantur, requiratur autem, ne pusillanimitate aut contentione, aut alio quolibet Episcopi vitio videatur à Congregatione Seclusus, ut hoc ergo Decentius inquiratur placuit per unamquamque Provinciam bis in anno concilia celebrari, ut communiter omnibus simul Episcopis congregatis Provinciæ, discutiantur hujusmodi Quæstiones, & sic qui suo peccaverunt evidenter Episcopo excommunicati rationabiliter, ad omnibus æstimentur, usque quo vel in commune, vel Episcopo placeat, humaniorem pro talibus ferre sententiam concilia vero celebrentur. Unum quidem ante quadragesimam Pascha, ut omni Dissensione sublata, munus offeratur Deo purissimum, secundum vero circa tempus Autumni. Con. Nic. Con. 5.*

the President, and first subscrib'd to the said Council, and the Emperors Name is not to be found in all that List. In succeeding Ages as I observ'd before, the Emperors Hand crept into the Subscription before all the Bishops: But in *Constantine's* Days the Church had more Power than to permit, and the Emperor more Modesty than to require it to be done.

However, I think this is a sufficient Argument to prove, that *Constantine* had no Ecclesiastical Share in the Council; for surely if he had he was not above setting his Hand thereto.

Surely he did not act as Head of the Church, when he humbly stood upon his Legs, and wou'd not sit down till the Bishops had plac'd themselves in their proper Seats.

But to return to this famous Canon, the Question is, whether it relates to Bishops or not, when that is determin'd, another Question arises, whether it is not obligatory at this Day to the Church of *England*, and does not as much bind the Church as the Act for Triennial Parliaments does the State.

As to the first, I shall give you *Du Pin's* Words in the aforesaid Treatise, as near as I can remember.

If we grant that mention is here made only of the Censures of Presbyters and Deacons; we have no Reason to conclude the manner of Episcopal Censures to be different, because no Exception of that Nature is so much as hinted at in this Canon: Besides, this Canon does not relate to the Censure of one Bishop inflicted on a Lay-man or an Ecclesiastick, but to a solemn Sentence of many Bishops together; de his qui Communionem privantur ab Episcopis per unamquamque Provinciam. i. e. Those who are Excommunicated by the Bishops of the Province; which is utterly different from that Episcopal District, which we Moderns term a Diocese; 'tis likewise add'd, ut qui abjiciuntur ab aliis non recipiantur: Those who are so Excommunicated shall not be receiv'd by others, i. e. by the

other Provinces. This is the most proper Sense of the Words ; therefore the Council speaks of Excommunication in general, whether pronounc'd by a Bishop or by a Council against either the Clergy or Laity : But a Bishop is of the Body of the Clergy, and he may be Excommunicated by a Synod. We have therefore no Reason to doubt, that the Council in this Canon provided for the Punishment of Bishops, as of the Inferiour Clergy by a Synod. For in the first Place, the transferring the judiciary Power of Bishops over their Clergy to a Synod, created a Dependance on that Synod : And if this Synod had not a Power of censuring a Bishop, such a Bishop was certainly unaccountable. But Custom can inform us, that Appeals are brought every Day from Bishops to Provincial Synods.

Thus far *Du Pinne* for the present. The subsequent Decrees of Councils shall be examin'd in their turn, which I do not question will entirely explain this Canon.

But whether it refers to Bishops or no, it cannot be denied, that it decrees Councils to be called twice a year in every Province, at *Easter* and *Autumn*.

Here was no Warrant of the Prince requir'd, to authorise their Meeting. But by Virtue of the Canon they are oblig'd to assemble twice a year.

As our Church of *England* has solemnly acknowledg'd the Authority of the four first general Councils. That Canon of the Council of *Nice* must be obligatory at this Day.

Consequently the Upper House of Convocation are oblig'd to meet twice a year, and to proceed to the deposing Delinquents, and ratifying the Sentence of inferior Courts.

If the General Council of *Nice* had Authority as such in Articles of Faith, we are bound to submit to her Canons. Nor can the Civil Constitution of our Country affect the Validity of those Canons in Relation to our selves.

For granting, that the Prince is Head of the Church: This must be restrain'd to the Church in his own Dominion, which Church is not Independant of other Parts of the Catholick Church: (For if it were, general Councils could have no Authority) consequently the Laws and Canons of the whole Body must affect every Part thereof.

No Man who has a Sense of the Nature of Christ's Church can pretend that it consists of Independant Societies: Because it is all one continued Society whose Members depend upon another.

In short, we are supported in this Notion by the Church of *England*, which has declar'd for the Authority of the four first general Councils, and has acknowledg'd her Subjection to their Determinations.

Consequently our Convocations, (if we grant the Authority of the Council of *Nice*) is oblig'd by the strongest Ties to convene at *Easter* and *Autumn*; tho' Ten Thousand Civil Mandates should forbid them.

I argue only here from such Concessions, tho' I build nothing my self confidently upon them.

However, this is sufficient to stop the Clamours of some Moderns, who are continually stifling our Reason and our Sense with Acts of Parliament, and the Power of the Prince in the Church, as tho' they were absolute: Whereas I have shewn them by the Concessions of the same Authority, that there is a Power in the Church superior to theirs, and Canons which neither a National Church nor a National Parliament can repeal.

Thus, if we grant the Authority of the four first general Councils; 'tis plain the Convocation is oblig'd to convene at the two above-mention'd Seasons of the Year; and not only to meet but also to continue together till the Affairs of the Church are transacted, and all the debates concerning Judicial Censures are finally adjusted.

(u) To return. *Athanasius* was tried before a Synod, for a suppos'd Temporal Crime, and receiv'd his Sentence of Deposition from their Mouths, and indeed if we examine, we shall find that the worst Emperors for the most Part proceeded Synodically to deprive a Bishop, who had the Misfortune to be hated by his Prince for his Virtues: A Synod was ever recurr'd to, tho' pack'd by the civil Power, on purpose to suppress Innocence and Integrity.

(x) I observ'd before, that the Emperor labour'd very hard with *Athanasius* to have *Arius* restor'd to Communion, which the magnanimous Prelate positively refus'd, nor cou'd the Regale get the upper hand till the above-mention'd Council remov'd to *Jerusalem*, procur'd *Arius* to be admitted to Communion.

As to *Athanasius*, he had both an Ecclesiastical and Temporal Punishment; for upon an Accusation brought against him, that he stay'd the Exportation of Corn from *Alexandria* to *Constantinople*: the Emperor banish'd him into *France*.

(y) *Arius* was not much the better for the Compliment pay'd him, by the Sycophant Council; he came to *Alexandria* where he with difficulty sav'd his Brains from being knock'd out in the Streets, and upon his return to *Constantinople*, the Bishop of that Place absolutely rejected him, and braved the Secular Power.

From hence I observe, that even a Synod cannot impose an Heretick upon a Catholick Communion; for we find *Alexander* notwithstanding the Admission of *Arius* was attended with formal Regularity, did not think fit to pay any Regard thereto.

Nor indeed can a general Council alter the Nature of Heresy, or the Terms of Catholick Communion.

(u) Sozomen lib. 1. c. 21.

(x) Sozomen lib. 1. c. 22.

(y) Sozomen lib. 2. c. 28.

If Heresy is establish'd by a Majority of Bishops; the outvoted Catholicks are oblig'd to withdraw from Communion, because 'tis sinful, and no human Ordinance can change the eternal Laws of good and evil, or supersede a Divine Command.

If an Heretick escapes the Punishment he might justly expect from a Synod, a Sentence is pass'd upon him in Heaven, he is cut off by his own Act from the Catholick Church, and we are to look upon him as an Excommunicated Person.

If therefore the Bishop of *Bangor* is guilty of the Heresies laid to his Charge, the Proroguing the Convocation, with whatever view it was done; does not spare him from the Sentence pass'd upon him above, he is in such a Case Excommunicated in the Hearts of all Catholick Christians, and the Bishops and Laity in the Church of *England* are oblig'd to renounce him, and look upon him as an abandon'd Heretick.

I do not say, they are oblig'd immediately to take such measures: They are to try first the Regular Ecclesiastical Way, and if that fails and proves ineffectual by any external Impediment, every Man has a Court of Conscience in his own Breast, which points out the Heretick: And the Holy Spirit in the Scriptures commands us to avoid him.

'Tis not my business to assert, that the Convocation was prorogu'd on purpose to screen the Bishop of *Bangor*, I only say that no Power on Earth can screen an Heretick, if it could be prov'd that he is such: Every Bishop is oblig'd to charge both his Clergy and Laity, not to communicate either with the Heretick or his Abettors; to receive no Letters dismissory from him, nor to admit any of his Clergy to officiate in the Diocese without a Purgation.

These are the Methods, Bishops inspir'd with a Zeal for the Catholick Faith ought to pursue; and otherwise they betray the *Depositum* in their Hands.

But

But if the Clergy are so far lost, to all Sense of Honour and Religion, as to neglect a Duty so incumbent upon their Characters, who call themselves Pastors of Christ's Flock. The Laity are oblig'd in Conscience to desert both Bishops and inferior Clergy, and keep themselves from the Contagion.

This is no more than the Result of the Premises before laid down, and consonant to the constant Practices of the Primitive Christians.

We must observe in relation to the Regale, that it interven'd to punish an Heretick or deprive an Orthodox Bishop, no otherwise, than by influencing Synods with other Power and Grandure. (x) Thus *Paulus* was remov'd from the See of *Constantinople* by a Synod, influenc'd by *Constantius*.

Nor did the Emperor at that time extend his Regale to nominate to the Sees of the depriv'd Bishops; as particularly, the Synod at *Antioch* (a) chose *Gregorius* Bishop of *Alexandria* in the Room of *Athanasius*, they also lay'd (b) to *Athanasius*'s charge, that he entred upon the Church of *Alexandria* without Authority from the Council.

(c) *Paulus* was also when opportunity offer'd, restor'd to *Constantinople* without consulting *Constantius*.

Gregorius after he had been chosen by the Council was lay'd aside as unfit, and *Georgius* was fix'd upon in his stead.

They also wrote a severe Letter to Pope *Julius* for pretending to communicate with *Athanasius*, which tended to vacate their Decrees, who had depriv'd him; nor was there one Word mention'd of any share the Prince had in the Story, or any Disobedience of which they had been guilty towards him.

(x) Soc. lib. 2. c. 5.

(a) Sozomen lib. 3. c. 5.

(b) Καὶ πρὶν ἐπιτερεῖναι παρὰ Συνόδου τῆς Ἀλεξανδρίων ἐκκλησίας ἀπολαβόντα. ib.

(c) Sozomen lib. 3. c. 6.

Innumerable Instances of this Nature; may be produc'd in those turbulent Ages of the Church, when the favour of the Prince was prefer'd to the Service of God and of Religion.

(d) But in the midst of these Turmoils in the East; (e) *Sozomen* tells us, that in the West, where the Church was regularly govern'd by free Councils, all was quiet, easy and undisturb'd.

(f) A Council was held at *Ariminum* which *Sozomen* tells us, was not brought together upon the account of any Mandate from the Emperor; but to discuss the Heresy *Arius* had advanc'd.

But if we turn to the East, what Confusions, Vacancies and Schisms happen'd every Day where *Arianism* prevail'd. The Catholick Bishops as the weakest were sure to go the Wall. They were depriv'd, strangled, or what is worse starved; and all this was done with the Pomp of Justice: The Lay-power was ever behind the Curtain; but the Deeds of Horror were perform'd upon the publick Stage of the World by Ecclesiasticks.

Atbanasius seem'd the only Eastern Bishop, who could stem the Torrent, which never carried him with the Stream, tho' it dash'd him often against the unrelenting Shore.

One Instance of his Courage ought to be transmitted to future Ages, that the Fame of this celebrated Ecclesiastick Hero may never die.

Tho' he had struggled with all the Variety of harsh Fortune which could befall a second *Cato*, and by the Mediation of *Constans* in the West, had been restor'd to *Alexandria*: (g) He immediately exerted to

(d) Ὡς ἐπύπνυεν γὰρ ἡμεῖς ἀνα πάντων πλὴν δόσον ἐκκλησία κα-
δαρώς διὰ τῆς πατερίων ἰδυνομοῦν διγμάτων ἐειδὺν τε καὶ τῆς
καὶ ταῦτα τεθρῆας ἀπίλλακτο. *Sozom. lib. 3. Cic.*

(e) *Sozomen lib. 3. c. 18.*

(f) *Sozomen lib. 3. c. 12.*

(g) *Sozomen lib. 3. c. 20.*

discharge the Duty of a Catholick Bishop, turn'd all the *Arians* out of the Churches wherever they could be found, and settled Uniformity of Faith and Discipline thro' his whole Church. Nay he understood so well the Duty of a Catholick Bishop, when Heresy prevails, that he even went beyond the Limits of his own See. All this was done in the Face of *Constantius*, whose Power he brav'd, not but that he understood the Duty of a Subject and of a Christian at the same time; so true did this Latin Motto belong to him.

*Si Fractus illabatur orbis,
Impavidum ferient Ruinae.*

What an Opportunity have we in this Kingdom to make Christianity reslourish, would our Prelates imitate the Virtues of this great Man.

He afterwards fell into new Persecutions: The Emperor was his sworn Enemy, for no other Reason, but because he was the only Clergy-man who would not bend.

A Council was call'd at *Milan*, where some Bishops only for speaking in the behalf of that glorious Confessor were banish'd: Such was the Violence and Oppression of those times, and such the Church ever must expect, when her Sons court the Favour of the State.

Surely 'tis possible to serve our God and our King at the same time: To the first we have much greater Obligations both in Gratitude and Duty than to a mortal Man, who forgets from whence he came.

To apply this more nearly to the Consciences of some Men: I shall exhibit Part of a Dialogue between *Constantius* and *Liberius* Bishop of *Rome*, in Relation to the great *Athanasius* and the *Nicene* Faith, as I find it in *Theodoret*. (b)

Constant.] *As you are a Christian and a Bishop of our City: I exhort you upon the Consideration of your own Be-*

ness to reject the Communion of that wicked Man Athanasius, adjudg'd by the Opinion of the whole World, and by the solemn Sentence of a Council to be worthily punished for his Faults.

Lib.] Ecclesiastical Sentences ought to be the most just and equal of any in the World: Nor would it be inconsistent with your Imperial Majesty's Character, to take care that such a Sentence as is just should be procured, and if pronounced according to the Form of Ecclesiastical Discipline, I shall acquiesce therein: But I cannot condemn one who has not had a fair and legal Tryal.

Constant.] The whole World have given their Opinions against him, and approv'd the Censures which he industriously has endeavour'd to screen himself from.

Lib.] Those who subscrib'd to his Condemnation, did not see thro' the Facts, but were either govern'd by the Terror of their Prince, or led by their Ambition, or asham'd to act like Men of Honour and Courage.

Constant.] What do you mean by the Terms Ambition, Fear and Shame.

Lib.] I mean to lash such Men who prefer your Bribes to the Glory of God, and have unheard and unseen contrary to the Principles of Christianity condemn'd an innocent Person.

Constant.] He was condemn'd unanimously by the Council of Tyre where he was present.

Lib.] When they past Sentence upon him, they took advantage of his Absence, to condemn him with Rashness and Inconsideration.

After some Interruption by the Impertinence of some present, the Emperor replied.

Do you Liberius bear such a great Share in the World, that you alone should sacrifice the Peace thereof in standing up in Defence of a wicked Man.

Lib. My Cause is not the worse for being alone: Remember three only could be found, who once oppos'd themselves to a Royal Mandate.

To this the Eunuch Eusebius replied.

Do you compare our Emperor to Nebuchadonozor.

Lib.] *Far be this from my Thoughts. But you are guilty of an equal Temerity in condemning a Person upon whom no legal Sentence has passed. But 'tis my Opinion that there should be a fresh Subscription to confirm the Nicene Faith: That our Brethren unjustly depriv'd should be restor'd to their Sees, and that those who have rais'd these Tumults should give some proof of their Orthodox Principles. Then we will unanimously repair to Alexandria, where upon an impartial hearing of the Plaintiff and Defendant, we may give a just and righteous Sentence.*

To this Epictetus replied.

The Difficulty of providing publick Carriages for so many Bishops, renders the Attempt impracticable.

Lib.] *Such a publick Expence is not so entirely necessary: The Church is able to send her Bishops to the Sea Side.*

To this Constantine in short replied, there lay no Appeal from that Council in which he was condemn'd, and that as to his Behaviour to his Prince he had been an Eternal Rebel, and that himself would exchange his Victories over Sylvanus and Magnentius, for the Satisfaction of having him depriv'd; to which Liberius made this Reply.

Let not Ecclesiastical Persons dedicated to the Service of God, be made the Instruments of Secular Revenge. Restore the depriv'd Prelates to their proper Sees, and if it should be found that they have embrac'd the Nicene Faith: Then let them unanimously provide for the Peace of the Church, and the Vindication of injur'd Innocence.

Constant.] *I can only desire you to consult your own Peace and the Restoration to your Country, by subscribing and coming into the Communion of the Church.*

Lib.] *I have bid farewell to my Brethren at Rome, and pay more Regard to Ecclesiastical Discipline than to a Place there.*

The consequence of this Heroick Fortitude was to be banish'd: A poor Revenge upon a Man of Virtue and good Sense, whose Country is the World, and whose Native Soil is the Ground on which he treads.

However, this Banishment was not relish'd by the Flock: *Constantius* about two Years after coming towards *Rome*; The People repair'd to him, and desir'd him to recal their Pastor *Liberius*, and restore him to his deserted People.

The Emperor told them, they had no occasion to complain of such a want, while they were supplied with a Man worthy of that Post; (*viz.* *Felix* the Deacon) to which the People replied, that none of the Orthodox would enter into the Church of Prayer along with him. (i)

Upon this, the Emperor would have Comprimis'd the Matter by calling back *Liberius*, and dividing the the See between him and his Rival: The latter Proposal was rejected with Scorn. The People upon reading the Emperors Letters cried out (k) one God, one Christ, one Bishop; then *Liberius* was restor'd and *Felix* withdrew.

I conclude from hence, that the Judiciary Power over a Bishop resided in a Council, and that when the Emperor pretended to punish Ecclesiastical Persons with civil Penalties: The Church look'd upon 'em as not affected in their Spiritual Characters.

This Dialogue is so plain and evident Instance thereof that nothing can be more full: The Emperor himself did not insist upon the Regale; but the Sentence of the Synod and *Liberius* would not agree to that

(i) Οὐδεὶς μὲντοι ἤν' δὲ κένῃ πῶ' ῥόμῳ εἰς εὐκλήειον ἐσελθούσθ' οἶκον ἔνδον ἐντὶ θεοῦ κεῖν. Theod. hic Eccl. 2. c. 17.

(k) Οὕτω κοινωδῆσαι τῷ βασιλεὺς τὰ γερύματα κοινῶς ἐφῆκεν φονῶν εἰς δεδὸς εἰς χεῖρας εἰς ὀπίσθοπος. ib.

Sentence; because the Council was not free, but aw'd by the Emperors Influence, and the Bishops were either corrupted by Ambition, or tainted with Heresy.

We see plainly such Persons are not competent Representers of the Catholick Church.

Therefore, provided the Bishop of *Bangor* is such an Heretick, as he is suppos'd to be by some People who have open'd upon him lately with full Mouths. The Archbishop would be justified for the future in excluding him from the Convocation, who have at least as much Right to punish their own Members, as an House of Lords and Commons to punish theirs.

Nay, the Convocation in such a Case is oblig'd to seclude such Hereticks; nor can it properly be call'd a Convocation of the Church of *England*, while known Hereticks sit therein.

Because to allow them to sit in an Ecclesiastical Synod, is Equivalent to receiving them into Communion. 'Tis the highest Acknowledgment of their being Members of the same Church, and the most evident Marks of Fellowship. For it is not to be suppos'd, that in a Council of War, the Enemy is called in to consult the proper Dispositions of the Army to march, retreat or engage: So can any one think an Heretick is a fit Person to consult, how to promote the Cause of Religion.

This leads me to an Observation concerning the Dispute about the Council of *Trent*: The Protestants treated in Relation to sending thither their Deputies, and if they could have had any Hopes of not being out-voted without Dispute; they would not have scrupled the same. However, it was a ridiculous Request on the side of the Protestants to ask, and it would have been more ridiculous in the other to grant; either one Side or other could have no Right to sit in a general Council; and the Protestants by insisting to be present, gave too large a Scope to the

the Papists of Triumph. But the other Party were more cunning, they hamper'd 'em with such Terms as made them no better than Criminals at the bar; upon which the matter came to a fruitless End.

I deliver my Opinion that 'tis absurd, that Bishops of declar'd different Communions should sit in the same Synod; and 'tis equally the same, when tho' the Communion is kept up; some are but occasional Conformists, and tell the World, they are in their Sentiments utterly opposite to the Communion to which they profess themselves to belong; because our external Actions disjoyn'd from the Concurrence of our Reason and inward Opinion of things, are only to be look'd upon as brutal and mechanical, or at least they have no Relation to Religion.

I conclude therefore, that none ought to sit in a Catholick Synod, who are Enemies to the Catholick Faith.

(l) The same Church has also an Independant Power of reconciling Penitents; of this we have an undoubted Instance from the Council of *Ariminum*, the Bishops of which Council in their Epistle to *Constantius* acquaint him, that *Ursacius* and *Valens* had recanted their Opinions, and renounc'd their Heresy; upon which they were receiv'd into Communion again, altho' they Apostatiz'd afterwards.

They moreover demanded of the Emperor, that he would restore the banish'd Bishop's to their Sees, which for want of their lawful Pastors were destitute. This they most vehemently urg'd in their Letter, and upon receiving no satisfactory Answer, they sent him another more pressing Exhortation to comply with their Demands.

(l) Theodoret lib. 2. c. 19.

(m) About the same time a Council of 90 Bishops was held at *Rome*, in which they vigorously asserted their Right to correct wrong Interpretations of Scriptures; and so reduc'd the mistaken to a true Sense of Religion, at which time they condemn'd *Auxentius*.

On the other side, when *Constantius* exerted the Secular Arm and banish'd *Meletius*, as an Heretick, who was Orthodox: (which is very common when Heretical Emperors Reign) The People paid no regard to that (n) Sentence, but separated from the *Arians*, and repair'd to a Church by themselves.

From whence I conclude, that the Divisions of Herericks, have no Influence upon the Catholick Church.

Thus stood Affairs in *Constantius's* Reign. When the Regale cou'd not get a Synod on its side, Banishments, Confiscations and Death, were the Lay-punishments adapted to the Clergy. But when Synods according to the Emperors Mind cou'd be procur'd, the Formality of Ecclesiastical Censures was strictly preserv'd, and what they call'd the Church, seem'd to have a Right to some Privileges of an extraordinary Nature, and the Defender of the Faith would persuade some Fools, that he answer'd his Title: But when Interest began to Clash, and the Church had different Views from the Prince; then the first Principles lay open naked to the Eye, the Temporal and Ecclesiastical Powers separated, and convinc'd Mankind, that the Union was unnatural and not calculated to last long.

That which will cure an Ague sometimes, otherwise brings the same Distemper upon the Patients; the Re-

(m) Theodoret lib. 2. c. 22.

(n) Ἰδὲ ὑγαινὸν πλεῖστον τῶν νόσων εἰς δεδεγμένους ἀποκρί-
θηναι εἰς τὴν Ἀποστολικὴν ἐκκλησίαν τὴν ἐν τῇ καλεμένῃ παλαιᾷ
διακείμηνῃ ἡθροίζοντο. Theodoret lib. 2. c. 31.

gale may in a proper Season well applied, extinguish a growing Heresy. But the same Hand, which in a Garden may pluck up a Weed, may also root up a Flower, if it be mischievously inclin'd.

I am sure, those who are more nearly concern'd in the Care of this Garden, ought not to suffer their tender Plants to be destroy'd by the Rashness, Ignorance or Malice of those, who are not qualified for that purpose: I only ask whether it is fair, that a Knife which cuts my Victuals, should cut my Throat. If the Secular Arm can when call'd in prevent a Storm, 'tis no Reason, the said Power should raise a Tempest to overturn the Church; at least, every Man in his Post, ought to endeavour to preserve the sinking Vessel.

To return to matters of Fact, *Valens* who follow'd *Constantinus's* Steps, banish'd *Meletius* of *Antioch*; *Eusebius* of *Samosata*, and *Pelagius* of *Laodicea*: But however, this was not suppos'd to include a Deprivation, nor were their pretended Crimes thought Cognizable in the Temporal Courts; it was by Stratagem *Eusebius* was taken from his Flock, and even after that *Theodoret* tells us, the intruding Bishop was look'd upon with an evil Eye; he was a Bishop by himself; the meanest Mechanick would not come to his Prayers, nor even wash his Hands where the Bishop had been before; (c) yet could they find no Fault with his Life and Conversation, which was strictly regular and severe. Thus by continual Affronts and Sights they hunted him from the Place, and a worse came into his Room, who supported by the State, sent many of the faithful People into Exile.

(c) *Theodoret lib. 4. c. 12. 13. 14.*

(p) *Εἰς ἐκκλησιαστικὴν ζωὴν ἀφίκετο Σύλλογον. ib.*

Another Instance not very contemptible occur'd at that time, one *Darsas* Bishop of *Edeffa* was depriv'd by *Valens*, who was resolv'd to reduce the People to his Measures by Violence; for this End, he sent his Soldiers to beat them into a Sense of his Regale, but a zeal shin'd forth in those Days unknown to latter Ages: They were all prepar'd for Martyrdom, and rather chose to die, than submit to an unjust Power. Amongst the rest, *Eulogius* a Presbyter of Note, was commanded by the Lieutenant to communicate with the Emperor, to which Demand he made this facetious Reply; what is the Sacerdotal Dignity annex'd to the Purple; and told him withal, he had a Bishop who was the Centre of Unity to him, and with him alone, he would Communicate. This brisk Answer brought a Secular Storm upon the Head of himself, and of his Brethren, who were banish'd in Troops to remote Countries, to bewail the Misfortunes of the Church, and the Distractions the Regale had made.

St. Basil withstood a Storm of a different Nature, his Reputation was too great to be easily overturn'd, and the bearing of Tempestuous Seas would make no Impression upon the Firmness of a Rock which could never be shaken; therefore another Method was pursu'd. *Modestus* the Emperors Lieutenant, was sent to invite the Reverend Prelate to communicate with *Eudoxius*, and to tempt his Integrity with such Promises, as would almost shake some Modern Divines; he return'd them as scornful an Answer as their Solicitations were Impertinent, and gave them to understand, he took it very unkindly, that they should press him with such Arguments, as were calculated only for School Boys, and not for a Person conversant in sacred Learning, and the Study of Divine and Noble Truths.

His Conduct screen'd him from the first Assault, and the Providence of God from the Second; for when the Emperor was about to write the Warrant for his Banishment, the Hand which restrains the Wrath of Kings, struck the Angry Monarch with a Stupor, which prevented the Mischief he design'd, and gave him time to repent of his Follies; and thus St. *Basil* escap'd from the imminent Danger, in which he was involv'd.

(r) *Peter* who succeeded the great *Athanasius*, before he was warm in his See, was perturb'd by the State; and *Euzoius* brought *Lucius* from *Antioch* (of whom I lately made mention) and plac'd him in *Alexandria*, where he met but with a cool Reception; for the People having imbib'd *Athanasius's* Instructions, deserted the Churches, and walk'd in the old Paths.

(s) These were the times in which the Regale flourish'd, times which would make any Heart bleed, who had the least Sense, either of the Honour of God or of Religion: They are describ'd to the Life, with all their Varieties of Horror, in *Theodoret lib. 4. c. 20.* The Temples profan'd, and the Preferments of the Church given to abandon'd Priests, were the happy Consequences, of the Princes interrupting the Calm and Tranquility of the Church.

Having thus given a sketch of the Emperor *Valens* Reign, and how firmly the Catholick Bishops asserted their judiciary Powers: I shall carry my Reader into the Calms of *Theodosius's* Reign, when the Prince was good Natur'd and Religious at the same time.

(r) *Theodoret lib. 4. c. 19.*

(s) Ἰδὲ ὃ πλεῖστον τῆς Ἀθανασίου διδασκαλίας ἐντεθρυμμένον εἶπε ἐναντίαν τῷ θεῷ διασάμνον, ἧς ἐκκλησιαστικῶν ἀπέστη συλλόγων. *Theod. lib. 4. c. 19.*

(t) The Council of *Constantinople*, which was the second General Council, depos'd *Maximus* Bishop of *Constantinople*, and interdicted him the Church.

In this Council, the above-mention'd *Nicene* Canon was confirm'd in these Words.

In Relation to Government, we must have due Respect to the Decrees of the *Nicene* Council; that the Administration of the Affairs of every Province, shall belong to the Provincial Synod. This is a sufficient Illustration of the *Nicene* Canon, that Bishops were therein included, because they must undoubtedly be included here, unless the Punishment of a Bishop is an Affair of no consequence. (u)

Du Pinne, has given us in his Book *de Antiqua Ecclesiæ Disciplina*, the Interpretation of the *African* Fathers of this Canon, in their Epistle to *Celestine* thus.

With all due Respect to your Reverence, we humbly beg, that you will not receive those into your Communion, who have been ejected from ours: Because we humbly presume, that the Council of Nice had fully determin'd that Case; for tho' that Council seems to speak more particularly in Relation to the inferior Clergy and Laity: The same Reason holds equally strong, that Excommunicated Bishops, should not be receiv'd rashly by your Holiness; because no Decree of any Council hitherto, have favour'd such a Diminution of the Privileges of our Church, and the Nicene Decrees have Subjected as well Bishops, as the Inferior Clergy to their Metropolitans; they prudently foresaw, that the Holy Spirit of God, would not be wanting in a Provincial Synod, to deter-

(t) Theodoret lib. 8.

(u) Manifestum namque est quod per singulas quasque provincias Provincialis Synodus administrare & gubernare omnia debeat Secundum quæ sunt. in Nicæna definit, Conc. Const. Can. 3.

mine Controversies that should arise, and distribute Justice as Opportunity should offer.

He cites also *Innocent's* Epistle to *Victorius*, to the same purpose.

In short, the unanimous Consent of the succeeding Councils and Fathers, are the best Commentaries upon the *Nicene* Canon, and the Instances already produc'd, are sufficient to decide the Controversy.

(x) *John Chrysostome* in the Reigns of *Honorius* and *Arcadius*, was appointed to be a Victim to a Woman's Revenge; a Council was pack'd by the means of his grand Enemy *Theophilus*, (y) consisting even of those Bishops himself had depriv'd, the rest were either summon'd by the Emperor or by *Theophilus*. (z) St. *Chrysostome* behav'd himself as one who paid no great regard to the Regale, and less to the Synod, against whose Authority he objected: That the Synod was not large enough to try him, and was moreover stor'd with his eternal Foes, who had unanimously conspir'd his Ruin: He was resolv'd to appeal to a general Council, and to submit to no Trial, if he could not confront his Evidence, and have the Liberty of making his own Defence.

I observe from hence, that he had no Notion that the Emperor could take Cognizance of his Case, for then there could be no Objection against the Synod, which acted by his Authority, and a great many of whose Members, were actually summon'd by him to *Chalcedon*.

(a) St. *Chrysostome* was depos'd and banish'd, but on the Tumults of the common People rising to

(x) Socr. Hist. lib. 6. c. 14.

(y) Soz. 2. lib. 8. c. 17.

(z) Ἐπὶ μείζοντι συνέλευσιν ἑκάστης.

(a) Soz. 2. lib. 8. c. 18.

an intolerable Height, the Emperor caus'd him to be restor'd; he lodg'd in the Suburbs, and refus'd to enter the City, till he had been declar'd by a greater Synod, unjustly depos'd from his Bishoprick.

From whence I conclude, he look'd upon the Synod as not lawful: Moreover, he had no Notion with the Bishop of *Bangor*, that Banishment included Deprivation; because he would still remain banish'd by his own Choice, while at the same time, he kept up his Pretensions to his Bishoprick.

(b) At last he was prevail'd upon to enter the City, but with greater Difficulty, was induc'd to enter the Church; because, I suppose, he did not care to bestow his Blessing upon those Schismatics, who had been the Cause of his Misfortunes and the Churches Confusion; for he insisted, that his Enemies should first Retract what they had done, which as Bishops, they were oblig'd to do. (c) However, prevail'd upon by earnest Importunities he suspended his Resolution, entred the Church, blessed the People, and charm'd the best Part of his Audience; sometime after, a Council was call'd of 60 Bishops, who declar'd, whatsoever was done by the Synod of the Oak, was void, and that *John* was their Bishop still.

(d) However, this Peace was but short-liv'd; the good Prelate could not help preaching against the Vices and Follies of the Age. The Emperors Wife was not wholly free from Imputation, which rais'd a Storm too violent for *Chrysostome* to withstand.

(b) Περίτερον τὲς καταψήφισαμένους αὐτῷ πάλιν ἀποψήφισαν, ὡς ἐξέστι δέμους.

(c) Soz. lib. 8. c. 19. Ἐκκεῖ τε ἐν τῇ δευτέρᾳ συνελεύσει, καὶ αὐτὸν ἔχεν πῶς ἐπισκοπῶν.

(d) Soz. lib. c. 20.

The Emperor was pleas'd to send him word upon a new Quarrel, that he would no longer communicate with him: However, they proceeded upon his former Sentence, and only demanded of him, why after being depos'd by a Synod, he presum'd to maintain the Possession of his See. Upon this, he produc'd a List of those Bishops who communicated with him, after that Synod had pass'd Sentence; which were more than those who had condemn'd him, which by the Canons ought to put a bar to his Deposition, but he was not heard. The Canon was alledg'd to be made by the *Arians*, to shift off the Punishment due to their Crime? when Fortune should reduce them as low as they had been high before.

From hence I conclude, that at this time the Power of depriving or otherwise censuring Bishops, was solely invested in a Synod; no Secular Power in this Dispute was appeal'd to; nor any Allegation in prejudice of Synodical Trials so much as hinted at, in the whole Relation.

'Tis not to my purpose, to insist upon St. *Chrysostome* and his Flocks behaviour; because the Dispute was not between the Regale and the Church, but a Dispute in the Church itself, whether the Synod of the Oak was a lawful Synod or not? However, we have gather'd from this famous Instance, enough for our purpose. *viz.* The Emperor at that time, could not pretend to any judicial Power over a Bishop, but this was intirely invested in a Synod.

(e) We may be supplied with farther Instances, from the general Council of *Ephesus*; in which *Nestorius* was depriv'd, before the Emperor knew any thing the Matter.

(e) Evagrius lib. 1. c. 8.

In the Contests concerning the *Eutichians*, the Bishops depriv'd by *Dioscorus* were restor'd by the Council of *Chalcedon*, and *Dioscorus* was depriv'd by the same Council, without the Sentence of the Secular Power.

(f) Tho' I must confess, the Emperor was generally us'd with so much Civility, as to be acquainted with what was done, and his Approbation was desir'd: But if he would not grant the same, there was no Redress on his Part but flying to the Regale, banishing the Bishops, and making the most dreadful Havock in the Church.

But however, these Actions cannot affect Christianity; her Powers have been fix'd by general Councils, and the fifth *Nicene* Canon from time to time by successive Councils has been explain'd.

The fourth general Council of *Chalcedon* says, that Bishops Quarrels shall be decided by a Provincial Synod, Metropolitans by the Primate of the Diocese, or by the Patriarch (g) of *Constantinople*.

The Emperor in Relation to judiciary Causes is not so much as thought upon nor regarded.

As to Imperial Rescripts, I look upon them as unjustifiable Parts of the Regale. However, they never extended so far, as to give the Emperor a Power to determine upon an Ecclesiastical Affair; but only to move the matter to be discuss'd by an higher Synod: This was call'd *Retractatio*.

Perhaps some will say, this is making too free with the Rights and Privileges of the Church, which

(f) Evagr. lib. 2. c. 3. 4.

(g) Liceat eis qui se dixerint læsos propterea movere apud Synodum Provinciæ certamen, si quis vero putaverit se à proprio Metropolitano gravari apud primatem Dioceseos ut apud Constantinopolitanæ civitatis sedem agat Negotium. Con. Chalced. c. 16.

I am very ready to grant, but the Primitive Christians pay'd ever the greatest deference to their Princes, and did not care to call Councils without their Consent, unless the Church was in real Danger: It was by Reason therefore of this share the Emperor had in calling Councils, that these Retractions took place which had a mischievous Effect afterwards in the Western Churches, and gave an opportunity to the Pope, to enlarge his Patriarchal Dominions.

But such Rescripts have been discourag'd in the Church, as *Du Pinne* observes from the 6th Canon of the *Constantinopolitan* Council.

“ If the Provincial Bishops are unable to correct an
 “ Offender, then a greater Synod shall be recurr'd to.
 “ And if any shall condemn the Decrees, and shall
 “ either appeal to the Secular Power, or in contempt
 “ of the Bishops of his Diocese shall appeal to an uni-
 “ versal Synod; such a Person shall by no means be
 “ encourag'd.

However, this Power of Retraction was given by the Council of *Sardice* to the Pope, which shews they did not look upon it as an inseparable Prerogative of the Supream Power. It may also be suppos'd the Emperor wou'd have found out a Punishment equal to a *Premunire*, if the Bishops had suffer'd such a notorious Infraction of their Rights.

I would have the Reader carefully distinguish a Retraction from an Appeal, because a most important matter depends upon that Distinction.

An Appeal is transferring, a Cause from a lower Court, to a Superior one.

A Retraction is only recommending a Cause to a Superior Court to be tried.

An Appeal therefore to an Emperor, supposes that he is a Superior Power in that Affair.

But a Retraction is only a Petition of the 'Emperor (or any other Power to whom it is granted) to a Superior Court to try the cause.

I have insisted the more upon this Topick, because it rather weakens than confirms the Power of the Prince in Ecclesiastical Affairs: If we consider that the only Power in Ecclesiastical History, which looks like an appeal to the Emperor, was transferr'd by a Council, to a Bishop of *Rome*.

Thus have I gone past the four first general Councils, and here I shall stop, because I am got to that extremity of time, which the Church of *England* allows to be Primitive; and has oblig'd herself to observe the Canons of the Church in those Ages.

I leave to the Readers impartial View, whether the Rights of the Church so far have not been clearly convey'd down to his understanding.

I shall beg leave to make this Application to the Church of *England*.

I do not in the least concern my self in the Question of the King's Supremacy in general: But I think we ought to examine in what this Supremacy consists, and to explain and qualify it in such a Sense, that it may not choak inoffensive People.

It cannot mean an absolute Supremacy over the Church of *England*, in Relation to her Dependency on the Catholick Church. But only as consider'd in her self as a National Church.

I say, she must be consider'd as a Branch of the Catholick Church; which is one Body consisting of many Members dispers'd over the World: The Representative of the Church is a general Council to whose Decisions every National Church is as much oblig'd to submit, as Corporations are oblig'd to acquiesce in the Determinations of an English Parliament in our Kingdom: Any other Supremacy is directly contrary to the Laws of Christ, and the Institution

Institution of his Kingdom ; which is so contriv'd as to consist of several United, National Churches, as the States of *Holland* are at this Day united in their Political Form of Government. Therefore were our Acts of Parliament more expressive than they are in Relation to the Regal Supremacy ; they cannot prescribe to that Part of the Catholick Church which is not subject to *England*, any more than the Parliament of *England* can prescribe to the Parliament of *Paris*. The Question therefore only remains, whether the four first general Councils can oblige us equally this Day ? I think it is little to be question'd, that if they oblig'd our Fathers, they oblige us in the same manner, till another general Council arises, which repeals the Acts of the former.

If we destroy this mutual Dependancy, we split the Christian Religion into many distinct and independant Societies. But even here we must have certain Limits, which determine the Bounds of each Society, as the *Egyptians*, when their Lands were overflow'd by the *Nile*, by the help of Geometrical Rules, could, when the River retreated, find the distinct Portion of Land which belong'd to each Person : So ought we to have some general Rules to find out our Church, and its prescrib'd Bounds, either in her prosperous or persecuted State. In her prosperous State, according to the Rules, some Men have laid down, she may perhaps be easily found, but in Times of Persecution, those Land-marks are destroy'd. There are no Criterions left to judge where we shall find the Church of Christ ; for if being of the National Establish'd Church, is the only, or the most distinguishing Criterion of the Church of Christ, when that Establishment is taken away, she is left intirely destitute.

We must therefore surely grant, that the Church has other Marks by which she may be known.

If we recur to the first Institution of Dioceses, and the Partitions of Ecclesiastical Government, we shall find no Notion of a National Church to have prevail'd. *Athanasius* of *Alexandria* extended his Episcopal Powers to the *Indies*, to Places not subject to his own Sovereignty, yet if his Prince was absolute Supream Head, *Athanasius* must here derive all that Power he exercis'd over the *Indians* from the Purple, which would involve the *Barbarians* in the Supremacy of the Emperor of *Constantinople*. But this is contrary to the *Hypotheses*.

It's evident from common Sense, that he who acts by anothers Authority, does not in that respect act by his own. And if *Athanasius* had no Independant Authority, he must act by another; and consequently we run into this Position, that a Prince of one National Church may claim Supremacy over another, which is absurd or contrary to the *Hypotheses*, that National Churches are Independant.

I will only suppose *Scotland* and *England* Independant Kingdoms, and engag'd in continual Wars against each other. I will also suppose a Bishop of *Carlisle* to have an entire Diocess within the Marches of *England*: But the Scots by force of Arms in a just and righteous War seize upon Part of the English Dominions within the Limits of this Diocess. Query, what Relation the Bishop of *Carlisle* has to that Part of the Diocess seiz'd by the Scots, and which becomes their own by the Law of Arms, and by the Decree of Justice.

According to the Notion of the King's absolute Supremacy, he can only act as a Bishop by Commission from the King, and in pursuance of this, some Bishops in *England* have taken out such Commissions; but the King's Commission cou'd not impower him

to act in the other Part of the Diocess belonging to the Scots by the *Hypotheses*, viz. that National Churches are Independant, it remains, that the Relation ceases between him and that Part of his Flock.

But if I put the Case, that the Scots are either *Pagans* or *Presbyterians*, if the first; that Part of the Diocess is left destitute of the common Offices of the Christian Religion; and if the latter, they are depriv'd at least of the Episcopal Form of Church Government.

The Consequences of either are fatal to the Christian Religion, and contrary to the Commission of our Saviour, *Go teach all Nations*; for Teaching is an Authoritative Act, and derived from the Commission given by our blessed Saviour to his Apostles Independantly of the State. But if this cannot be granted, which it will not by some Men, I would ask in what manner all Nations shall be taught; for an Independant Nation cannot exercise an Authoritative Act over another.

From hence I conclude, that there are Catholick Powers independant of the State, *i. e.* all such Powers as are necessary for propagating the Gospel in all Parts of the World, and preserving the same when 'tis done. The Catholick Church has also Power to Treat and Debate upon such Measures as may preserve an Harmony between every Member of the said Church; to punish the Refractory and Disobedient, and to maintain *Unity of Faith in the Bond of Peace*.

For this purpose general Councils met, as the Representatives of the Catholick Church to repress the first Efforts of Heresy in their Birth, and to make Creeds, which are Tests upon Men to try whether they agree in the same Faith with the Church.

But when the Powers of the said Church were interrupted by the Exorbitance of the Regale, or the

Usurpations of the Popedom, then she was divided, distracted and torn. The West separated from the East, only upon a Contention about Puppets, and the true Church lay obscurely in some remote Parts of *Greece* and *Ethiopia*, till it obtain'd a Resurrection in *England*.

I hope it will be granted by this time, that no National Monarch can destroy the Dependence of his Christian Subjects, upon the Catholick Church, to which he is only a Feudatory Lord, and owes Allegiance himself, which we must grant, or deny him to be a Member of the Church of Christ.

I have also prov'd, that the Supremacy bestow'd upon the King at the Reformation, was not absolute, But Feudatory, and the King bears the same Respect to the Catholick Church, as an Elector of *Bavarians* does to the Empire.

Consequently if he turns Heretick, if he betrays the *Depositum*, or acts contrary to the Canons of the Catholick Church, he may be depriv'd of his Supremacy, with which he is only entrusted for the good of the Church.

In this, *Bangor*, *Marshall*, and other Modern Pretenders to write about Schism agree: For they own, that if he turns his Power to destroy the Church by being a Papist, he forfeits his Power, and if he forfeits this Power by being a Papist, why not by being an Enemy to the Church any other way?

If he declares himself of her Communion, nevertheless, if he protects Heresies as *Constantius* and *Valens* did before, he may be passively resisted (if that Phrase be not a Contradiction) or in short, he may be resisted by those Arms God has put into the Hands of the Church, *viz.* Canons, Decrees, Excommunications, &c.

The Supream Head of the Church *Theodosius* was Excommunicated by St. *Ambrose*, who was not so much as a Patriarch; nay, he was Excommunicated, and consequently depriv'd by a single Bishop without a Synod, which no common Bishop cou'd be of the least Account. Was this Supremacy confer'd in those Days? Strange, that the Head of the Church cou'd be depriv'd by a single Bishop, and that the Members and Subjects to the same Head cou'd be depriv'd by no less than a Synod! It is the same, as that a Commoner should have the Privilege of being try'd by the House of Lords, and a Lord himself have only the the Privilege of being try'd by the common Courts of *Westminster Hall*.

St. *Ambrose* tells the Emperor to his Face, that he must acquiesce in his said spiritual Bonds, and not by (b) refusing to obey add one Wickedness to another.

The Emperor was so far from having a Notion of this absolute Supremacy, that when *Ruffinus* his Steward of the Household offer'd to move the Bishop to relax his Sentence, he told him, that *Ambrose* was not to be work'd upon by Imperial Threats.

When St. *Ambrose* after due Satisfaction had receiv'd the Emperor into the Church, he also allotted him his Place amongst the *Laicks*; for, says he, the Purple makes Emperors, but not Priests. (i) The Emperor submitted and excus'd himself as being us'd to that Custom at *Constantinople*, but when he return'd thither, he told *Nestorius*, Bishop of that Place, that he had learn'd the difference between a Prince and a Bishop, since he had the Happiness of coming

(b) Ὁ πῶς πίνω καὶ μὴ περὶ τοὺς δούλους πῶς περὶ αὐτοὺς αὐξάνω τὴν ἀνομίαν καὶ δέκα τὸ δέσπον ὃ ὁ Θεὸς ὁ ἡμῶν δούλων δισπότις ἀνώγει γίνεσθαι. *Theodor. lib. 5. c. 17.*

(i) Ἀλέξιος ὁ βασιλεὺς ἔχ' ἰερέας ποιεῖ.

under St. *Ambrose's* Discipline, and for the future he was resolv'd after offering his Gifts at the Altar, to retire back to the Rails.

I produce this Instance to shew how far *Theodosius* was remov'd from an absolute Supremacy over the Church. Oh! Divine St. *Ambrose*, thy Name with St. *Athanasius's* ought to be engrav'd in the Hearts of every Christian to succeeding Ages, till the World is no more.

Our Articles of Religion have explain'd the Supremacy, by declaring that the Queen's Majesty means no more, than that Christian Princes have the same Power with the *Jewish* Kings in the Old Testament. But was not *Nebuchadnezzar* an Heathen Prince, as much King of the *Jews* as *David*; was he not sent by God, and acknowledg'd the Sovereign of that People in the holy Scriptures; yet surely this Heathen Monarch could not be Head of the *Jewish* Church, for the Head of a Church is the Center of Unity, but how an Heathen cou'd be the Center of Unity to the Members of the true Religion I cannot conceive.

But to let this pass for the present, if the Kings of *Judah* had an absolute Supremacy over the *Jewish* Church, before the Ten Tribes were rent from the House of *David*. I would ask, how, after that Rent the *Israelites* cou'd be guilty of Schism in separating from the *Jews*.

'Tis evident *Jeroboam* had the Ten Tribes given him by God's express Command; and he was consequently lawful King of *Israel*? Why then was not the Supremacy as much invetted in *Jeroboam* as in *Rehoboam*? and why was not one as much Head of the Church as the other: In what could the Schism consist; not in separating from *Rehoboam*, but from the Worship of God in the Temple, that is, from Personal Communion of the Priests thereof: How then could *Rehoboam* be said to be absolute

solute Head of the *Jewish* Church ; when even *Feroboam* might have continued a Member of the *Jewish* Church, after he had withdrawn from him, provided he had kept up Communion with the Priests of the Temple.

The *Jewish* Kings had no Power to alter one Ceremony of the *Jewish* Worship.

They had no Power to transfer the Priesthood from the Tribe of *Levi*.

They had no Power to transfer the Worship from *Jerusalem* to any other Place.

They had no Legislative Power to make new Laws in the Church, or repeal the old ones.

When we have summ'd up the Particulars, we shall find the total Result will be, that the *Jewish* Kings were not absolute supreme Heads in that Church ; and if we apply the same Particular to our own Country, we shall find our Kings will come very short of this absolute supreme Power.

For by the first, no Pagan, no Prince of a Religion destructive to the Christian, can be the supreme Head of our Church.

By the second, he is not the Center of Unity, and Schism does not consist in separating from him, but from the Bishops of his Church.

By the third, he has no Power to decree Rites and Ceremonies in the Church ; consequently there must be a Body which independantly of him has that Power.

By the fourth, there is an Order of Men, whom he cannot deprive of the Priesthood ; that is in our Institution, he is oblig'd to allow those to be Priests, who have a Succession from the Apostles.

By the fifth, the same holds, why a Prince cannot dissolve a Flock from their Obedience to their Bishop as that a *Jewish* King, cou'd not transfer the Worship of God from *Jerusalem* to another Place ;
because

because as in our Discipline we have only chang'd Persons for Place; our Prince can no more change the first, than the *Jews* could the latter.

By the 6th, the Prince can make no Ecclesiastical Injunctions, and give no orders which shall oblige the Clergy as Ecclesiasticks to observe the same.

I conclude, that the most violent asserts of the Regale Supremacy will get nothing by this parallel.

I conclude, that God has taken equal care to preserve that Church which his blessed Son founded with his Blood, as he did to maintain the far inferior worship of the *Jews*, which the Apostle in comparison with ours, calls only beggarly Rudiments, and of which we need say no more, but that it's Policy was made on purpose to be abolished, and to pave the way for Abettors.

But to return, I do assert, that the Supremacy which our English Kings claim'd at the first dawn of the Reformation was no more than a Concord between Church and State.

This evidently appears, from the form of Submission of the Clergy to the King, which runs thus.

“ We your most humble Subjects, Orators and
 “ Bedesmen, of your Clergy of *England*, having
 “ our special Trust and Confidence in your excellent Wisdom, your Princely Goodness, and fervent Zeal to the Promotion of God's Honour,
 “ and Christian Religion, and also in your Learning, far exceeding in our judgment the Learning
 “ of all other Kings and Princes that we have read
 “ of, and doubting nothing but that, the same shall
 “ still continue and daily increase in your Majesty.

“ First do offer and promise in *verbo sacerdoti*,
 “ here unto your Highness, &c.

We manifestly may perceive here, that this was only a Personal Trust conferr'd on *Henry* 8th, upon the account of his great Learning and Abilities, and
 the

the Concordate not extended beyond that Monarch and themselves.

Neither can I imagine, how the Convocation cou'd bind a succeeding one, as it is a Maxim in our English Law, founded upon Reason, that a prior Parliament cannot bind their Successors. The same Reason extends to the Clergy; for if *Henry VIII.* ow'd his Supremacy to that Act of Convocation, a succeeding Convocation may repeal the same.

Besides the Clergy, can no more resign the essential Rights and Privileges of the Church, without the Consent of the Head thereof Christ, than a Lord Lieutenant of *Ireland*, without the Consent of his Sovereign, can alter the fundamental Constitutions of that Country.

All that I insist upon is, that this Supremacy is a Deed of Trust, that the Clergy may in cases of Necessity withdraw it, from a Prince who abuses the same; they have essential Powers invested in them from above: They are oblig'd to cut Hereticks from Christian Communion, a Power so necessary, that even Christianity depends thereon: An Heretick cannot continue in the Catholick Communion: And those who suffer him from that time, cease to be Catholicks themselves. I therefore cou'd not help smiling at a Relation of a certain Divine who makes a great Noise; who in his Pulpit was pleas'd to utter these Words. ——— *Is an Heretical Bishop of our Church*; which in my Opinion is equivalent to calling himself an Heretick.

But to return to our Convocation: Tho' some People have represented them as useless, I will never believe 'em so, till I find they are over-aw'd by the civil Power from punishing Hereticks: When once that comes to pass the Church is in her decrepid Age, not able to walk alone nor even stand without Supporters. She is loaded with all the Infirmities of

old Age, and fit only for her Children to wish to see her in the Grave to be rid of her Misery.

I do insist, that by a Charter much greater than an Earthly one, the Church may punish Hereticks; and moreover is oblig'd so to do, under the severest Penalties of the Wrath of the Eternal God of Heaven.

I also assert, that the Church has as much Right to Convocations, as the State has to Parliaments; and I am very sure, Convocations or Synods are much more Antient.

In *Vortigerns* Reign a Synod was held at *Verulam*; nor do I believe, that Monarch issu'd out his Writ to summon them for that purpose; and I believe it will be very difficult to prove, that an House of Lords and Commons had any Existence at that time, viz. in the Year 446, nor I might pretty near say a Thousand Years after, See *Spelman* Volume 1. Anno 446.

There was a grand Council of the *Britains*, in which *Vortimer* was Excommunicated for Incest, who was so far from insulting upon his Supremacy, that he submitted to the Sentence, and retir'd to the Mountains to bewail his Sins, and spent the Remainder of his Days in Repentance and Sorrow.

They were in those Ages consulted in Affairs of State, and had no contemptible Share therein; particularly as *Spelman* has it from *Matthew Westminster*, about the Year 465. The *Britains* met from all Parts, and the Clergy being call'd together, they chose *Aurelius Ambrosius* for their Monarch.

About the Year 603, St. *Augustine* by the help of *Ethelbert*, the *Saxon* Monarch call'd a Council

(k) *Spelman's Councils* Vol. 1. p. 465.

(l) *Bedes Eccles. Hist.* lib. 2. c. 2.

of the Bishops of the Neighbouring Province of the *Britains* at *Worcester*, says *Bede*. Another also follow'd, in which the *British* Bishops refus'd to submit to the Customs of the *Romish* Church, or to own *St. Augustine* as their Archbishop.

I observe from hence, that this Council could not be Subject to *Ethelbert*, as supreme Head of the Church, tho' summon'd by his Encouragement; because it consisted of foreign Bishops, over whom he could not pretend that Command; it was a Council of *British* Bishops held in the *Saxon* Dominions.

Consequently, it must meet Independent of any imaginary *Saxon* Parliament in those Days.

If some Gentlemen are so fond of Parliaments, that they will have them to exist even in *Julius Cæsars* time, and so down to the *Saxon* Heptarchy: I must tell them those times were so tumultuary, that they were not fit for the cool Debates of a Senate. We cannot imagine that in the *Saxon* Heptarchy each Monarch had a Parliament attending him, raising Supplies, and ordering Committees of Election and Religion: If some Mens Imaginations are so warm, as to believe all this; they are fit only for that Region of *Morefields*, where imaginary Contracts, Kings, Empires, Parliaments, and a thousand Chimeras abound every Day.

A Club of those Gentlemen will help a Man to a Parliament at what Age of the World you please.

It is far from my Design to treat Parliaments with Contempt; and I am sure they are, or ought to be above Flattery; 'tis no advantageous Credit to them, to be posted behind the Conquest, if they are of a later Date.

But Ecclesiastical Synods are expressly mention'd in the most early Ages; and as Christianity flourish'd in the State, their Share in the Protection of the

State, and the Encouragement of the Secular Arm daily encreas'd.

(m) Thus about the Year 664, a Council was call'd at *Whitbie* in the North, in which were present both the Scots and English Clergy; in which also *Oswy* King of *Northumberland* and his Son were present: The Occasions was to reduce the Scots to a right Observation of *Easter*.

I observe from hence, that *Oswy* could upon no Pretence of his Supremacy preside in this Council; because it consisted of *Scottish* Bishops as well as *Saxon*, who did not depend upon the Supremacy of the King of *Northumberland*.

Neither does it appear, that they had any Leave or Commission from the State to repair to this Council.

Neither do we find any Report made of the Resolutions of this Council to a Parliament.

(n) About the Year 668, the whole English Church submitted to *Theodore* Archbishop of *Dover*, not by any formal Consent of Parliament, nor by the Interposition of the Civil Magistrate; but by travelling over the whole Isle, and procuring the Canons and Rites of the *Roman* Church to be receiv'd where ever he came.

I would have the Reader also observe, this Union was brought to bear, when there were more Monarchs than one in *England*: And consequently, as Notions now prevail more Supreme Heads, which surely in some Measure would have interfer'd with this Scheme. (o)

About the Year 673, a Council was call'd, says *Bede*, by *Theodore* at *Hereford*, in which the foreign

(m) Bedes Eccles. Hist. lib. 3. c. 25.

(n) Spelman Con. Vol. 1. (o) Spelman Con. Vol. 1.

Canons and Councils were confirm'd. The King does not seem to have had the least share in the Story. The Preamble runs *placuit nos consenire juxta moram, canonum venerabilum Tractaturos, de necessariis Ecclesiæ negotiis*. Here is an utter Silence of the Kings, either calling them together, or being concern'd in the Canons; if he had been really so concern'd, it would not alter'd our Question, because the other Saxon Dominions were equally oblig'd by those Canons as *Egberts*: But however, no Confirmation of the Canons by the Supream Civil Power was then known.

This Council seem'd to have a particular Regard to the fifth *Nicene* Canon. The seventh Canon says, that Councils are call'd twice in a Year. But because external Accidents might render that frequent Celebration difficult, it Decrees that a Synod should be call'd once a Year at *Cloveshoo*.

(p) In 680 a Council was call'd at *Hatfield* by *Theodore* (as *Bede* says) without any mention of the (q) Prince, only as to the date of the Synod. This was summon'd to condemn the Heresy of *Eutiches*, and to preserve the English Church from the Contagion.

(r) Afterwards we find by the Laws of *Ina*, that the Clergy were taken into Consultation with his Council, when he gave his Sanction to them:

(p) Ut bis in anno Synodus congregetur, sed quia diversæ Causæ impediunt, placuit omnibus in commune ut Kalendis Augusti in loco qui appellatur, *Cloveshoo* semel in anno congregetur. Con. Herudford ap. Spelmanum.

(q) *Bede Eccles. Hist. lib. 4. c. 7.*

(r) Ego *Ina*. Rex Dei Beneficio occiduorum Saxonum Rex suasu & instituto *Kenredi* patris mei, *Hedda* & *Erkenwaldi* Episcoporum meorum, omnium Senatorum meorum & nati majorum sapientum, &c,

The Preamble runs by the Advice of his Bishops and Senators.

If Persons will be fond of turning the Senators into an English Parliament, they cannot but grant, the Clergy to stand upon an equal bottom; nay, they are usher'd into the Preamble before the *Satrapates*, or whatever you please to call those Gentlemen, who pass in these Days for Lords, and some will have to be both Lords and Commons together.

I need not multiply Presidents, because it has been already done to my hands by others; from this time forward, the Clergy had a visible share in the Councils of the Nation.

Those who will have them only to dance after a Parliament are much mistaken: There was this remarkable difference, a Parliament ceas'd on course upon Death of the King, as it began by his appearing in the House; but Dr. *Atterbury* has given Instances of a Convocation, sitting Months after the Death of the King.

The same worthy Writer has given Instances of a Convocation sitting, in opposition to the express Command of the King, who had summon'd the Members to attend his Army in *Wales*. They suppos'd the Service of God to call as vigorously upon them as the Command of the Prince, by one Tenure they held their Goods and Lands, and by the other their Souls.

In short, as this Bishop has asserted, all Sects in the Kingdom, the vile Kirk of *Scotland*, the Sink of Presbytery, and Enthusiasm have Liberty to meet together to consult upon Affairs of their own pretended Churches. But an English Convocation has no Advantage in the Establishment, but to be more severely cramp'd, than all the wild Enthusiasts round about her.

I say it would seem hard, that the Church of *England* should not have as much Favour as the Church of *Scotland* as they call it.

It would be hard, that a Mother should be kinder to her Step-children, than to the natural Issue of her own: Yet such is the Friendship of some Pretender Lovers of the Church; they care not how much they starve and condemn her Priests, lay waste her Fences, and cut off her most valuable Privileges: It's very hard, the Church of *Scotland* should throw off the King's Supremacy with Impunity, and the Church of *England* should wear the Yoak only to be made a Subject of Derision to her Enemies.

Tell me a Dissenter in *England*, who does not joyn in with Violence to hamper the Establish'd Church. But 'tis a Shackle they will never endure to be put upon their own Legs.

Thus is She become like a Lyon grown old, and weaken'd by Infirmities, every Ass of the Forest kicks at her.

I conclude, that if we put such a Yoak upon the Neck of the Church of *England*, we reduce her to worse Slavery, than even those numerous Sects which rise up against her are expos'd to bear. Nay, than even the *Jews* who have a Liberty of excommunicating Offenders without the Civil Magistrate interposing to prevent the same taking effect, if any one would be satisfied in this case, let him read the Relation of *Uriel Acofta* the *Jew*, at the end of *Limbrochs* Conference *cum erudito Judæo*.

In *Scotland*, even a Monarch could be brought to the Stool of Repentance for Sins he was never guilty of; and what we shall we say, if leave must be ask'd a Prince to punish an Heretical Bishop.

I only lay down general Rules without making particular Applications : These are Emergencies which may happen, and Care ought to provide against them.

I submit to the Persons to whom this Treatise is address'd ; whether if Christianity is any Part of their Care, they ought not to strike in with the present Opportunity, to save their Honour and their Religion, by vindicating the Rights of the Church ; which alas in these unhappy times have been too shamefully betray'd.

F I N I S.



APPENDIX.

Num. I.

URbanus Episcopus servus servorum Dei ad futuram
rei Memoriam.

Inter sollicitudines varias quibus assidue premimur illa
potissime pulsat, & excitat mentem nostram ut circa salu-
tem Animarum Christi fidelium sollicitis Studiis intenda-
mus & ne fideles ipsi, ex consortio & participatione Scis-
maticorum seu Hæreticorum, labefactari valeant adhibe-
amus remedia opportuna.

Sane ad nostrum pervenit auditum quod tam carissimus
in Christo filius, noster Wenceslaus Romanorum & Bohe-
miæ Rex Illustris, quam etiam claræ Memoræ, Carolus
Romanorum Imperator, & ipsius Regis genitor, simul
vel successive.

Non nullas Confederationes, vel Colligationes seu ligas
& Conventiones cum diversis Regibus, Principibus duci-
bus Comitibus ac Magnatibus, Nobilibus & certis aliis,
inierant seu fecerunt & quod aliqui ex hujusmodi Regibus,
Principibus, ducibus, Comitibus, Magnatibus, seu Nobilibus,
aut aliis tunc erant seu postea sunt effecti Scismatici seu
Hæretici manifesti, & ab unitate Sanctæ Romanæ &
Universalis Ecclesiæ separati quamvis per nos alias de-
clarati non sint.

Nos igitur attendentes quod hujusmodi *Confederationes*, *Colligationes* & *ligæ* seu *Conventiones* (factæ cum hujusmodi *Hæreticis* aut *Scismaticis* postquam tales effecti erant) sunt temerariæ illicitæ, & ipso jure nullæ (& si forte ante ipsorum lapsum in *Schisma* seu *Hæresim* initæ seu factæ fuissent) etiamsi forent juramento vel fide data firmæ aut *Confirmatione Apostolica* vel quacunque firmitate alia *Roboratæ* postquam tales ut præmittitur, sunt effecti, eo ipso tam idem *Rex* quam alii qui forsitan una cum eo hujusmodi *Confederationes*, *Colligationes* & *ligas* seu *Conventiones* cum talibus inerunt seu fecerunt & ad quos hujusmodi *Confederationes*, *Colligationes*, *ligæ*, seu *Conventiones*, quomodolibet extendi possunt, & quorum interest vel interesse poterit, ab earum *Observatione* absoluti existunt, illasque ipsis servare non debent.

Quinimo ipse *Rex* hujusmodi *Scismaticos* & *Hæreticos* ratione Imperii ad quod *Electus*, & per nos approbatus existit in favorem Sanctæ Romanæ ac Universalis Ecclesiæ, cujus est advocatus pro posse persequi tenetur, quodque omnis communio cum talibus *Hæreticis* seu *Scismaticis* nimis periculosa existit cum nulla sit prorsus nec esse debeat participatio lucis ad tenebras aut Christi ad Belial & cupientes super hiis *Animorum* saluti & honori, ac statui ejusdem Regis & aliorum quorum interest ut prefertur, salubritur providere ac periculis & scandalis quæ ipsis exinde provenire possunt utiliter præcarere.

Eundem Regem & omnes alios quorum interest vel interesse poterit, Auctoritate Apostolica tenore præsentium, declaramus fuisse & esse ab earundem *Confederationum*, *Colligationum* *Observatione* penitus absolutos, & ad earum *Observationem* aliquatenus non teneri, illasque quatenus de facto processerunt cassamus, irritamus, & nullius esse decernimus firmitatis & insuper cupientes animarum periculis obviare, tam eidem Regi quam etiam omnibus

omnibus hujusmodi aliis quorum interest seu interesse potest tenore presentium districtius inhibemus, ne Considerationes Collegationes, ligas aut Conventiones hujusmodi aliquatenus observent seu ab aliis servari quomodolibet permittant decernentes ex nunc irritum & inane quicquid in contrarium a quoquam quavis Auctoritate & sciente vel ignorante contigerit attemptari.

Nulli ergo hominum liceat hanc paginam nostræ Declarationis cassationis irritationis, inhibitionis & Constitutionis infringere vel ei ausu temerario contra ire si quis autem hoc attemptare præsumperit, Indignationem Omnipotentis Dei & Beatorum Petri & Pauli Apostolorum, ejus se noverit incursum. Dat Romæ apud sanctum Petrum iii. Kal. Aprilis Pontificatus nostri, Anno Quarto.

Sub filis sericis flâvi, Rubeique Coloris,

De Curia

T. Frab

See Rymers Fœdera. Vol. 7. p. 352.

Nunz

Num. 2.

Bishop of St. *David's*, *adversus Lucy*. Pas 11.
Wm. 3. B. 3.

The Bishop of St. *David's* was try'd in a Court held at *Lambeth*, before the Archbishop of *Canterbury* himself in Person, for Simony, and several other Offences; and now he mov'd for a Prohibition, and the Suggestion was that he was cited to *Lambeth*, and not to the Arches, and also that he was cited before the Archbishop himself, and not before his Vicar General: And the Proceeding against him was in order to a Deprivation, & *per Cuiam*.

The Archbishop hath a Provincial Power over all the Bishops of his Province, and may hold his Court where he pleases; and he may convene before himself, and sit Judge himself, and so may any other Bishop:

The Court held, that the Spiritual Court might proceed to punish him, for any Offence done against the Duty of his Office as Bishop; and as it relates to that, for Ecclesiastical Persons are Subject to Canons, those of 1640 have been question'd, but no doubt was ever made as to these of 1603, and as the Clergy are under different Rules and Duties; it is but reasonable, that if an Ecclesiastical Person offend in his
Eccle-

Ecclesiastical Duty: He should be punishable for it in the Ecclesiastical Court; especially if it be in a matter for which he is not punishable at Common Law, and it is but fit the Clergy should have a Power to purge their own Body, from scandalous Members, &c.

Holt C. 1, and the rest held an Archbishop had Power over his Suffragans, and might deprive them, that by common Law the Archbishop had a Metropolitick Jurisdiction, and that Archbishops are over Bishops: As well as Bishops are over the other Clergy.

That his Power was Usurp'd upon, and diminish'd by the Pope: But restor'd to it's extents at Common Law, by the Statute of *Henry VIII.* That by allowing his Power to visit all is admitted, for he that may visit may deprive as well as Censure; these being but several degrees of Ecclesiastical Punishment, and by the 26 *Henry 8.* and 1 *Eliz.* c. 1. The only Power given to Ecclesiastical Commissioners, was to visit without a Word of Deprivation, yet they were always allow'd a Power to deprive from the time of *Henry II.* till *Henry 8th.* there hardly is an instance of Deprivation of a Bishop: And it is true that before the 19 of *Can.* 1. c. 11. Confirm'd by 13, *Can.* 2. by *Eliz.* Those Deprivations that are of Bishops, are by the Court of Ecclesiastical Commissioners; yet the Reason of that was only because it was the easier and the shorter way, that is not to be Question'd: But a Bishop may be depriv'd, *v. 11. Can.* 49. He may be depriv'd for Dilapidations, and it is plain that the Law takes notice of no other Power that can regularly Deprive him, for if Issue be, whether a Person be depriv'd or not, the Court must write to the Bishop, and if Issue be, whether a Bishop be depriv'd or not, this Court

Court must Write to his Archbishops to Certify ; and to what purpose said, 23 *H. 8. c. 9.* *Against sitting out of the Diocese*, (save the Power of the Archbishop over his Bishops :) If he had no Power *viz.* to the same purpose, 29 *Can. 2. c. 9. 13. Car. c. 2. 11.* The Prohibition was denied, and ordered that the Suggestion be enter'd upon Record, &c.

Afterwards, *Holt. C. I.* said that the Bishop of *St. Davids* mov'd the House of Lords for a Writ of Error upon this denial of a Prohibition, and it was their Opinion, held no Writ of Error lay.

Salkeld's Reports, p. 134. p. 15.

N. B. Here is an adjudg'd Case in the Court of King's Bench, that the Law takes no notice of any Power which can deprive a Bishop, but an Ecclesiastical Power.

